

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40905 of 2026

Arising Out of PS. Case No.-113 Year-2026 Thana- Excise P.S. District- Saran

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1. Esrar Alam Son of Hasib Miya Resident of Village- Ramapali, P.S.- Maharajganj, Dist.- Siwan
 2. Chachal Mahto Son of Daroga Mahto Resident of Village- Rusi Bareja, P.S.- Kopa, Dist.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who is in custody since
19.05.2026 in connection with Sadar Excise P.S. Case No. 113
of 2026 for the offences punishable under Sections 30(a) and
32(3) of Bihar Prohibition and Excise Act.

3. The case of the prosecution that one Nisha Kumari
S.I. Sadar Excise P.S. of Saran lodged a written statement
addressed to S.H.O. Sadar Excise P.S. Saran on 19.5.2026
alleging precisely therein inter alia that on 19.5.2026 at around 4
A.M. she along with other police forces proceeded from the
police station. On secret information, in course of checking



vehicles by her and police personnel near Sonho Toll Plaza under Bheldi PS., the informant apprehended two persons who kept a large consignment of illicit liquor in a Mahindra XUV500 car bearing registration number BR-01PD-0062. Upon inquiry, the apprehended accused persons disclosed their name as Esrar Alam (Driver) and Chanchal Mahto (Co-driver) respectively. On searching the said vehicle, the police recovered total 222 litres of illicit foreign liquor which was kept in the said car from the possession of these petitioners on the spot. Thereafter, the informant seized the illicit liquor and said vehicle and prepared seizure list in presence of two witnesses from raiding team.. On the basis of the aforesaid written statement, Sadar Excise P.S. case no. 113 of 2026 dated 19.05.2026 under section 30(a) 32(3) of Bihar Prohibition and Excise Act was registered for investigation.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and have falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioners have not committed any offence as alleged in the FIR. It is next submitted that from perusal of the FIR it appears that altogether 222 liters of illicit foreign liquor has been



recovered from the car and petitioners are not the owner of the car in question and they have made accused in this case merely on the ground that petitioner no. 1 is driver and petitioner no. 2 is co-driver of the vehicle in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioners are in custody since 19.05.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Saran at Chapra in connection with Sadar Excise P.S. Case No. 113 of 2026, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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