

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40824 of 2026

Arising Out of PS. Case No.-164 Year-2026 Thana- BARACHATTI District- Gaya

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Ajay Kumar Son of Mahendra Sao R/o Village - Manikpur, P.S. - Kurtha,
District - Arwal, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ritwaj Raman
	:	Mrs. Jhashi Priya
	:	Ms. Pankhuri
	:	Mr. Anand Abhishek
For the Opposite Party/s :	:	Mr. Parmanand Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

2. Petitioner seeks bail who is in custody since
08.05.2026 in connection with Barachatti P.S. Case No. 164 of
2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act, 2022.

3. According to prosecution case, the accused was
apprehended on the spot with total 490 litres spirit transporting
from a Bolero bearing registration no. JH-10H-3996 and he was
driving the said vehicle at the time of alleged occurrence. The
petitioner has himself stated in para 3 of his bail petition that he
has no any criminal antecedent which is evident from the case



diary para-13. The informant in his re-statement in para 03 of the case diary and prosecution witnesses in para 04 & 05 of the case diary have supported the case of prosecution.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that recovery of 490 liters of spirit was recovered from 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 and petitioner is in custody since 08.05.2026.

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

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner and seizure list witnesses are police personnel, let the petitioner, 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 Judge, Court No. 5, Gaya in connection with Barachatti P.S. Case No. 164 of 2026, subject to the following conditions:-



i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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