

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42923 of 2026

Arising Out of PS. Case No.-35 Year-2021 Thana- MALI District- Aurangabad

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Prahlad Saw S/o Late Lakhan Saw Resident of Village- Nalband Toli, P.S.-
Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Mukul Kumari, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 22-07-2026 Heard Mrs. Mukul Kumari, learned counsel for the
petitioner and Mrs. Renu Kumari, learned APP for the State.

2. The present application has been filed on behalf of
the petitioner for grant of regular bail in connection with Session
Trial No. 5190/2022, CIS No. 517/2021, arising out of Mali P.S.
Case No. 35 of 2021, for the offences punishable under section
30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Earlier, the petitioner has approached before this
Hon'ble Court for grant of anticipatory bail which was rejected
vide order dated 19.03.2025 passed in Cr. Misc. No. 14042 of
2025.

4. As per the prosecution case, on a secret information,
intercepted a Pick-up-van and on search total 1852 litres of
country made liquor was recovered.

5. Learned counsel for the petitioner submits that the



petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his possession. However, the petitioner only being the owner of the Pick-up-van has been implicated in this case. Petitioner next submits that the car in question is run by the driver and the petitioner was not even aware as to what was being carried by the driver. Petitioner next submits that there is one criminal antecedent of similar nature pending against the petitioner and in that case, the petitioner is on bail and in the present case, petitioner is in custody since 12.05.2026.

6. Learned APP for the State has vehemently opposed the prayer for bail.

7. Since the matter is of year 2021 and the petitioner surrendered in this case after four years despite the fact that the petitioner being the owner of the pick-up-van in question.

8. This Court is inclined to grant liberty to the petitioner to move a regular bail application before the learned court below after completion of three months of custody. The learned court below shall consider the bail application of the petitioner and shall release the petitioner on bail after verification of the 3 months of custody upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned court below subject to the



condition:-

(i) One of the bailors should be family member of the petitioner.

(ii) Petitioner will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

(iii) 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.

(iv) The court below shall verify the criminal antecedent of the petitioner/petitioners and if at any stage, it is found that the petitioner/petitioners has concealed his/their criminal antecedent, the Court below shall take steps for cancellation of bail bond of the petitioner.

9. With the aforesaid observation and direction, this application is disposed of.

(Kumar Manish, J)

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