

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44572 of 2026

Arising Out of PS. Case No.-33 Year-2026 Thana- KATIHAR GRP CASE District- Katihar

Md. Rahmat S/o Md. Yasim R/o Bhagwan Chauk, Sitanagar, P.S. - Nagar,
Distt. - Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-07-2026 Heard Mr. Sanjeev Kumar Singh, learned counsel
for the petitioner and Mr. Nitya Nand Tiwary, learned APP for
the State.

2. Petitioner seeks bail, who is in custody since
17.02.2026, in connection with Katihar G.R.P. P.S. Case No. 33
of 2026, F.I.R. dated 17.02.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. Recovery is of 190.355 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that it
appears from the F.I.R. as well as seizure list that recovery has



been made from the bag in question and altogether 190.355 litres of foreign liquor was recovered from the bag in question and petitioner has been made accused on the basis of suspicion and he has no role at all with the alleged recovery of illicit liquor. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.02.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and there is non-compliance of Sections 103 and 105 of the BNSS, 2023 as well as he has been made accused on the basis of suspicion, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-II, Katihar in connection with Katihar G.R.P. P.S. Case No. 33 of 2026, subject to the following conditions :-



(1) 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 her criminal antecedents, 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)

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