IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75320 of 2026

CNR No. BRHC011013182026

Arising Out of PS. Case No.-100 Year-2026 Thana- RUPO District- Nawada

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Manohar Kumar, son of Pokhraj Chauhan, resident of Village - Mohrama Tola, Beldari, P.S.- Roh, District - Nawada.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s: Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Rupao P.S. Case No.100 of 2026 dated 09.08.2026, instituted under Sections of the 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation is of recovery of 145 litres country made liquor from a motorcycle bearing Registration No. DL1SV-5011 and two persons were arrested on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is apparent from the F.I.R., that two persons namely, Aman Kumar and Gulshan Kumar were arrested with the motor-

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cycle along with illicit liquor. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused only because he is the owner of the said vehicle. It is further submitted that he has given his motorcycle to his cousin namely, Aman Kumar, who was apprehended on the spot. Petitioner has no concern with the said illegal act of the said named accused persons, namely, Aman Kumar and Gulshan Kumar. Lastly, it is submitted that the petitioner has one criminal case against him which is of similar nature.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court, Excise-2, Nawada, in Rupao P.S. Case No.100 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by

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the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father. mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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, and (v) that the petitioner within two weeks from the date of furnishing bail bonds in the Court concerned shall appear before the SHO of his local area along with a copy of this order and thereafter shall appear before him every fortnightly to mark his attendance till the framing of charge in the case by the trial Court.

7. The application stands allowed.

(Khatim Reza, J)

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