IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79616 of 2026

CNR No. BRHC011037992026

Arising Out of PS. Case No.-308 Year-2026 Thana- JOKIHAT District- Araria

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Laddu Kumar @ Rohan son of Bhola Ray Rresident Of Village- Makhdampur Kudariya, Ward No 10, Ps- Karja, District -Muzaffarpur, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Deepak Kumar, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jokihat P.S. Case No. 308 of 2026 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 295.920 litre illicit liquor was recovered from Ashok Leyland Company vehicle in question. Petitioner and other were apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this case. Petitioner is in custody since 22.07.2026 and he bears

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criminal antecedent of three cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not owner of the vehicle in question rather petitioner is merely a driver and he has to follow the instruction of the owner of the vehicle in question to earn his livelihood. Petitioner had no knowledge that illicit liquor had been kept in the vehicle in question. Petitioner has no concern with the seized liquor. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner has nothing to do with the alleged recovery. Hence, the petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused and he was apprehended on the spot. Hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the

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material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise - II, Araria in connection with Jokihat P.S. Case No. 308 of 2026, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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