IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77072 of 2026

CNR No. BRHC011076032026

Arising Out of PS. Case No.-435 Year-2026 Thana- PARSA District- Saran

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Suraj Sahani @ Suraj Kumar S/O Ganaur Sahani Resident of Baligawan, P.S.- Parsa, District- Saran at Chapra

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner, Mr. Ajay Kumar Sharma and Mr. Arun Kumar, learned APP on behalf of the State.

2. This is an application for grant of regular bail to the petitioner who has been made accused in connection with Parsa P.S. Case No. 435 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police intercepted three persons on a motorcycle carrying a large black bag. The riders abandoned the motorcycle and fled away. The local people and chowkidar identified the suspects as this petitioner and two other co-accused. The search of the motorcycle and

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black bag led to the recovery of 80 litres of country made liquor.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No incriminating article or illicit liquor has been recovered from the conscious possession of the petitioner. The petitioner is not the owner of the seized motorcycle or the seized mobile phone.

5. It is further submitted that the mandatory provisions with regard to the recovery and seizure has not been followed and also there is absence of independent witness.

6. The petitioner is languishing in judicial custody since 11.09.2026 and having three criminal antecedents in which the petitioner is on bail.

7. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, Saran at Chapra in connection with Parsa

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P.S. Case No. 435 of 2026, subject to following conditions:-

(i) one of the bailors should be the family member/close relative of the petitioner.

(ii) the petitioner shall co-operate in 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 trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of the bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed in name of verification.

(Kumar Manish, J)

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