IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75481 of 2026

CNR No. BRHC011077122026

Arising Out of PS. Case No.-160 Year-2026 Thana- Roshna District- Katihar

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1. Rajesh Paswan S/o Sudhir Paswan Resident of Village - Manika Kishanpur, P.S.- Sarai Ranjan, District- Samastipur.
2. Mithun Giri S/o Late Dukhan Giri Resident of Village - Gangsara, P.S.- Sarai Ranjan, District- Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Roshna P.S. Case No. 160 of 2026 instituted for the offences punishable under Sections 30(a), 41, 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 231.12 litres of liquor was recovered from car.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious

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possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle. It is further submitted that petitioner no.1 is the driver of the car in question whereas petitioner no.2 was sitting in the car and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 22.08.2026. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Roshna P.S. Case No. 160 of 2026, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or a close family member.

(II) The petitioners shall appear on each and every

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date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not commit any offence of a similar nature in future.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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