IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76996 of 2026

CNR No. BRHC011089352026

Arising Out of PS. Case No.-868 Year-2026 Thana- Excise P.S. District- Nawada

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Sauraj Kumar @ Swaraj Kumar S/o Anil Rajvanshi R/O Village- Fatehpur, P.S.- Akbarpur, Distt.- Nawada.

... ... Petitioner/s

Versus

The State of Bihar Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sheo Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Nawada Excise P.S. Case No. 868 of 2026 lodged on 21.08.2026 under Sections 30(a) and 44 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total recovery of 150 litres of country made liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. It is further submitted that the alleged recovery has not been made from the conscious possession of the petitioner. Rather, the alleged illicit

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liquor was recovered from a sack kept on a motorcycle, of which the petitioner is the registered owner. Learned counsel submits that the said sack had been placed on the petitioner's motorcycle by one Sonu Yadav, whom the petitioner had met on the way, and the petitioner had permitted him to keep the sack on his motorcycle in good faith. The petitioner was not aware that the sack contained illicit liquor. The petitioner has been in custody since 21.08.2026 and has clean antecedents. Learned counsel further submits that the petitioner is willing to abide by any conditions that may be imposed by this Court in the event of his release on bail.

5. Learned counsel for the State opposes the prayer for bail but fairly submits that the antecedent of the petitioner is clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Excise Court-2, Nawada, in connection with Nawada Excise P.S. Case No. 868 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha

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Sanhita, 2023 as well as the following condition :-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide; and*

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of bail bonds by the Trial Court itself ; and

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance.

(Dr. Anshuman, J)

Ashwini/-

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