IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75898 of 2026

CNR No. BRHC011091312026

Arising Out of PS. Case No.-136 Year-2026 Thana- Benibad District- Muzaffarpur

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1. Raghunath Sahni S/o Late Babulal Sahni Resident of Village- Januganj Ganesur, P.S.- Shri Panchali, District- Balasur, Odisha
2. Rupesh Ram S/o Ramchandra Ram Resident of Village- Kaila Bakhari, P.S.- Pear, District- Muzaffarpur, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

2 27-10-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under sections 30(a), 31, 32(i) (ii), 36 and 41(i) (ii) of the Bihar Prohibition and Excise Act and Section 318(4), 338, 317(5), 61(2) of BNS.

3. The case of the prosecution is that from a container, altogether 1486.44 liters illicit foreign liquor was recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Learned counsel for the petitioners has submitted that nothing has been recovered from the possession of the petitioners. They are merely driver and passenger of the said vehicle respectively.

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They were having no information regarding the alleged consignment and they have no concern with the alleged recovery. There is no independent witness of the seizure list rather they are police personnel and police has not complied Section 105 of BNSS while preparing the seizure list. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. Moreover, they are languishing in judicial custody since 10.09.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Benibad P.S. Case No. 136 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. III, Muzaffarpur.

(Ashok Kumar Pandey, J)

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