IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76806 of 2026

CNR No. BRHC011100962026

Arising Out of PS. Case No.-196 Year-2026 Thana- Excise P.S. District- Bhojpur

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1. Munna Kumar S/O Rambabu Sah Resident of Village- Pakri New Colony, New Colony Pakri, PS- Ara Nawada, District- Bhojpur at Ara
2. Rambabu Sah S/O Late Bhuteli Sah @ Bhutoli Sah Resident of Village- Pakri New Colony, New Colony Pakri, PS- Ara Nawada, District- Bhojpur at Ara

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shashank Shekhar, Advocate
: Ms. Mili Kumari, Advocate
For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

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

2. The petitioners seek regular bail in connection with Excise Sadar Bhojpur P.S. Case No. 196 of 2026, lodged on 17.09.2026, under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3.As per the prosecution, a total recovery of 438.42 liters of foreign liquor has been made.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that Petitioner No. 1 was apprehended and

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disclosed the name of Petitioner No. 2 in this case. Counsel further submits that both the petitioners have clean antecedents. The alleged recoveries were shown from a scooter and a shop and the petitioners have no concern either with the scooter or the shop. In fact, the informant had come to the grocery shop of the petitioners and demanded certain articles free of cost, which the petitioners refused, leading to lodging of the present case with false and frivolous allegation. Counsel further submits that that the petitioners are in judicial custody since 18.09.2026. However, they are willing to abide any conditions which shall be imposed upon them.

5. Learned counsel for the State opposes the prayer for bail, but fairly submits that both petitioners are father and son, and are involved in the business of selling illegal excise.

6. Considering this aspect of the matter and the fact that their antecedents are clean, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of learned Exclusive Special Excise Judge- II, Bhojpur at Ara, in connection with Excise Sadar Bhojpur P.S. Case No. 196 of 2026, subject to the conditions as laid down under Section 480(3) of the Bharatiya

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Nagarik Suraksha Sanhita, 2023, subject to the following conditions:

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

ii. If they are found involved in doing the same business again, their bail bonds shall be cancelled; and

iii. the petitioners 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 their bail bonds by the Trial Court itself.

(Dr. Anshuman, J)

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