IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79566 of 2026

CNR No. BRHC011114742026

Arising Out of PS. Case No.-206 Year-2026 Thana- EXCISE BIRAUL District- Darbhanga

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1. Kanchan Thakur S/o Rameshwar Thakur R/o Village-Harauli, Tole Pokhar Bhinda Ward no. - 7, P.S- K. Asthan, District-Darbhanga.
2. Prem Kumar Thakur S/o Kuseshwar Thakur R/o Village-Harauli, Tole Pokhar Bhinda Ward no. - 7, P.S- K. Asthan, District-Darbhanga.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shalin Kumar, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Excise Biraul P.S. Case No. 206 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 482.280 litre illicit liquor was recovered from thatched hut of the petitioners and they were apprehended at the place of occurrence.

4. Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in the

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present case. He further submits that the said thatched hut is situated outside the village without having any door. Hence, the said thatched hut is accessible to all and petitioners can not be held liable for the alleged recovery. Except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioners. Petitioners have nothing to do with the alleged recovery. Petitioners are in custody since 04.09.2026 and they bear no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners and submits that petitioners are FIR named accused persons and they are apprehended on the spot. Hence, petitioners do not deserve bail.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court, Benipur (Darbhanga) in connection with Excise Biraul P.S. Case No. 206 of 2026,

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subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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