IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81017 of 2026

CNR No. BRHC011150632026

Arising Out of PS. Case No.-189 Year-2024 Thana- PHULWARIYA District- Gopalganj

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Suraj Kumar S/O Rambilash Prasad @ Ramvilash Resident of Vill.- Bhisunpura Tola, P.S.- Bankata, Dist.- Deoria, Uttar Pradesh

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 19-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwariya P.S. Case No. 189 of 2024 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 396 litre illicit liquor was recovered from Mahindra XUV 500 car in question and co-accused Pappu Kumar and Abhishek Kumar were apprehended at the place of occurrence. Apprehended co-accused Pappu Kumar disclosed the name of the petitioner and other.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this

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case. Petitioner is in custody since 15.06.2024 and he bears criminal antecedent of four cases in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is neither owner nor driver of the said car in question and hence, petitioner cannot be held liable for the alleged recovery. He further submits that except disclosure of the said apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner has no concern with the seized liquor. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner has nothing to do with the alleged recovery. Hence, the petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused and he was apprehended on the spot. Hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on

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behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Judge, XIII cum Special Judge Excise, Court – I, Gopalganj in connection with Phulwariya P.S. Case No. 189 of 2024, 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) Petitioner 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 petitioner tampers 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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