IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79628 of 2026

CNR No. BRHC011162052026

Arising Out of PS. Case No.-179 Year-2026 Thana- Roshna District- Katihar

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Ajay Kumar @ Ajay Kumar Daha S/o Vishundeo Daha @ Bishnudeo Daha Resident of Village - Singhiaghat, P.S. - Bibhutipur, District - Samastipur.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Roshna P.S. Case No. 179 of 2026 registered for the offence punishable under Sections 30(a), 41 and 47 of Bihar Prohibition and Excise Act.

3. As per prosecution case, 46.620 litre illicit liquor was recovered from white coloured car in question and petitioner was apprehended on the spot.

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 case. Petitioner is in custody since 15.09.2026 and he bears no

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criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel orally submits that petitioner is not owner of the vehicle in question. He further submits that petitioner is merely a driver and he has to follow the instruction of the owner of the vehicle in question to earn his livelihood. Petitioner had no knowledge that illicit liquor had been kept in the vehicle in question. 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, keeping in view the clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both

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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. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court - II, Katihar in connection with Roshna P.S. Case No. 179 of 2026, 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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