IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81010 of 2026

CNR No. BRHC011171512026

Arising Out of PS. Case No.-282 Year-2026 Thana- ATHMALGOLA District- Patna

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Dharmendra Kumar S/O Late Indradev Rai R/O Village- Burhra, P.S.- Athmalgola, Distt.- Patna.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, 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 Athmalgola P.S. Case No. 282 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 237.500 litre illicit liquor was recovered from tempo bearing Registration No. BR-01PR-0356 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 falsely been implicated in the present case. Petitioner is in custody since 23.08.2026 and he

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bears criminal antecedent of one case in which he is on bail. Learned counsel for the petitioner orally submits that the tempo in question is a public carrier vehicle and that the articles alleged to be illicit liquor were kept in non-transparent plastic bags, the contents of which were not visible through the naked eye. It is further submitted that the said bags had been placed in the tempo by some of the passengers, without the knowledge of the petitioner. Hence, petitioner cannot be held liable for the alleged recovery.

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 person and he was apprehended on the spot. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on 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 Exclusive Special Judge Excise, Barh, Patna in connection with Athmalgola P.S. Case No. 282 of

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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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