

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33117 of 2025

Arising out of PS. Case No.-396 Year-2025 Thana- Excise P.S. District- Patna

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1. Sumit Kumar Son of Late Rohtas Kumar R/O- Pirgadhi, P.S- Ganaur, Distt- Sonipat, Hariyana.
 2. Hemant Kumar @ Hemant Son of Sri Ramdarshan village- Bindhrauli, Ps- Kundali, Dist- Sonipat

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Jiban Pd Singh, Advocate

For the Opposite Party/s: Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with Patna Excise P.S. Case No. 396 of 2025 dated 13.03.2025 instituted for the offences under Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act. They have no criminal antecedents.

3. As per the prosecution case, the police intercepted a Wagon R Maruti Car from which two persons were apprehended who disclosed their names as Sumit Kumar and Hemant Kumar respectively (Petitioners). It is further alleged that on search total 105.750 litres of foreign liquor was recovered from the dicky of the said car and the petitioner no. 1 namely Sumit Ku-



mar is stated to be the driver and petitioner no. 2 namely Hemant Kumar is stated to be owner of the said vehicle.

4. It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case and they were not concerned with the articles which were kept in the dicky of the car. It is further submitted by learned counsel for the petitioner that they were directed by the their owners to take the car to its destination. It is also submitted by learned counsel for the petitioner that there is no independent witness to the said seizure. It is lastly submitted by learned counsel for the petitioners that the petitioners have no criminal antecedents and are in custody since 14.03.2025. Learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- each before the Patna High Court Legal Services Committee.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that total 105.750 litres of foreign liquor was recovered from the car, on which the petitioners were riding.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioners and taking into account the fact that the recovery was not made from the conscious physical possession of the petitioners and petition-



ers have no criminal antecedents and also they are in custody since 14.03.2025, the petitioners above named, are directed to be released on bail on depositing a sum of Rs. 5,000/- (Five Thousand) each before the Patna High Court Legal Services Committee and a receipt of the same shall be furnished before the learned court below at the the time of furnishing bail bonds. Thereafter, they shall furnish bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-III, Patna in connection with Patna Excise P.S. Case No. 396 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of simi-



lar nature is lodged against the petitioners, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(v) And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

(Sourendra Pandey, J)

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