

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33587 of 2025

Arising Out of PS. Case No.-174 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Suman Kumar S/o Manoj Yadav Resident of Village- Basetha Phulkiya, Ward No. 5 P.S - Chausa, District -Madhepura
2. Birbal Kumar Raj S/o Tarun Prasad Yadav Resident of Village- Ghosai, Ward No. 8 P.S. - Chausa, District -Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

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

2. The petitioners seek regular bail in connection with Excise P.S. Case No. 174 of 2025, registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition & Excise Act, 2016. Petitioners have clean antecedent.

3. As per the prosecution case, during the course of vehicle checking, a Maruti Suzuki Swift car was intercepted and three persons were apprehended who disclosed their name as Suman Kumar (Petitioner No.1), Birbal Kumar Raj (Petitioner No.2) and one co-accused Raushan Kumar. On



search, total 78 liters of liquor was recovered out of which 54 liters was foreign liquor while 24 liters of foreign beer was recovered.

4. The learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. The learned counsel for the petitioners further submits that the Petitioner No. 1 was the driver of the car while Petitioner No. 2 was a co-passenger who had no concern whatsoever with the content which was kept in the car. It has further been submitted that no incriminating material has been recovered from the conscious possession and the same was kept inside the car. Lastly, it has been submitted that the petitioners have no criminal antecedent and they are in custody since 08.04.2025. Learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account that the petitioners have clean antecedent, I am inclined to grant the petitioners privilege of regular bail.



7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds and thereafter bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge (Excise)-II, Kishanganj, in connection with Excise P.S. Case No. 174 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(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 cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.



(v) The learned 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 antecedent, 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 or in the name of verification.

(Sourendra Pandey, J)

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