

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72681 of 2025

Arising Out of PS. Case No.-2188 Year-2023 Thana- Excise P.S. District- Muzaffarpur

Vikash Kumar @ Bittu Kumar S/o Shashikant Singh R/o Village -
Bhagwanpur, P.S - Shramjivi Nagar, P.S - Sadar, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Payal Kashyap, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Excise P.S. Case No. 2188 of 2023 registered for the alleged offences under Sections 30(a), 32(3) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, the police caught co-accused Manoj Kumar carrying 1.5 liters of India made foreign liquor and this co-accused named some persons for selling liquor from a car parked in an orchard. The police conducted a raid at the identified place and caught hold of two co-accused persons, Samir Kumar and Deepak Kumar, respectively. Recovery of 94.125 liters of India made foreign liquor was made from the spot. The apprehended co-accused disclosed the



name of petitioner and co-accused Dharmveer Thakur, who escaped on seeing the police party.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has been made accused on the basis of confessional statement of co-accused and there is no material to show the complicity of the petitioner in the alleged occurrence. The petitioner has no concern with the car from which illicit liquor was taken out or the orchard from where the recovery has been shown. The petitioner is having antecedent of two cases and he is in custody since 02.09.2025.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and also considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Muzaffarpur/court concerned in connection with Excise P.S. Case No. 2188 of 2023, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

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

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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