

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7366 of 2026

Arising Out of PS. Case No.-637 Year-2022 Thana- RUNISAIDPUR District- Sitamarhi

Kishan Kumar @ Kishun Kumar @ Kishan Mandal S/o Late Ram Chandra
Mandal R/o village - Bahilwara @ Gadha @ Garha, P.S.- Runnisaidpur, Dist.
- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 16-04-2026 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 32, 36 and 41 of the Excise Act.
3. The learned counsel for the petitioner submits that the petitioner has antecedent of five cases out of which four cases are under the Excise Act and is in custody since 18.12.2025 and allegation is of recovery of 2604.12 litres of liquor from four different vehicles.
4. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner of



any of the seized vehicles and he came to be implicated based on confessional statement of apprehended accused in police custody, which does not have any evidentiary value. It is further submitted that after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on regular bail on his furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Runnisaidpur P. S. Case No.637 of 2022.

7. The application stands allowed.

(Satyavrat Verma, J)

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