

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17501 of 2026**

Arising Out of PS. Case No.-104 Year-2025 Thana- RAMPUR HARI District- Muzaffarpur

Santosh Kumar Yadav @ Mithailal @ Mithlal S/o Sanjay Ray @ Sanjay
Kumar R/o Village- Gosainpur Tengrahan, PS- Minapur, Now Rampur Hari,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur
For the Opposite Party/s : Mr. Kalyan Shankar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 18-04-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 274, 275 of BNS and Section
30(a) of Bihar Prohibition and Excise Act.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of five cases, out of which four cases
are under the Excise Act and allegation is of recovery of 2142
litres of liquor from five different vehicle. It is next submitted
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 vehicle 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
next submitted that after amendment in the Excise Act in the



year 2018, the concept of deemed possession and presumed offender has been done away with. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation. It is next submitted that petitioner is in custody since 03.01.2026 and charge sheet has been submitted. It is also submitted that if privilege of bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the trial to prove his innocence.

4. Learned A.P.P. opposes the prayer for bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs.5000/- (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 Rampur Hari P.S. Case No.104/2025.

(Satyavrat Verma, J)

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