

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30694 of 2026

Arising Out of PS. Case No.-56 Year-2026 Thana- Excise P.S. District- Saran

1. Sumit Kumar S/O Sri Rameshwar Rai R/O Vill.- Biran Tola (Viran Tola), Ward no.- 6, P.S.- Chhapra Mufassil, Dist.- Saran At Chapra
2. Ashutosh Kumar Singh S/O Sri Arvind Kumar Singh R/O Vill.- Koriya (Koraiya), Lala Tola, Ward no.- 5, P.S.- Khaira, Dist.- Saran At Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Ms. Renuka Ratnakar (App 125)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-05-2026 Heard Mr. Dewendra Narayan Singh, learned counsel for the petitioners and Ms. Renuka Ratnakar, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who is in custody since 28.02.2026 in connection with Sadar Excise P.S. Case No. 56 of 2026 for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that on 28.02.2026, on secret information, in course of checking vehicles by the informant and police personnel near Jatuaa village under Muffasil P.S., the police apprehended three persons who were the drivers of Scorpio bearing Reg. No. BR-



22P-6666, BR-1AP-6093 and motorcycle without Reg. No. respectively. Upon inquiry, the apprehended accused persons disclosed their name as Sumit Kumar(driver of Scorpio bearing Reg. No. BR-22P-6666), Ashutosh Kumar Singh(driver of Scorpio bearing Reg. No. BR-1AP-6093) & Vishwajeet Kumar (driver of motorcycle without Reg. No.) respectively. On searching, the police recovered total 172.800 litres of illicit foreign liquor from the Scorpio bearing Reg. No. BR-22P-6666 of Sumit Kumar, 86.40 litres of illicit foreign liquor from the Scorpio bearing Reg. No. BR-1AP-6093 of Ashutosh Kumar Singh & 17.280 litres of illicit foreign liquor from the motorcycle (without Reg. No.) of Vishwajeet Kumar (petitioner here) i.e., total 276.480 litres of illicit liquor was recovered from the joint possession of these accused-persons on the spot. Thereafter, police seized the illicit liquor and said vehicles and prepared seizure list in presence of two witnesses from raiding party.

4. Learned counsel for the petitioner submits that petitioner no. 2 has clean antecedent and petitioner no. 1 has antecedent of one case other than the present case but fairly submits that the petitioner no. 1 is on bail in the pending matter. It is next submitted that it appears from the FIR and seizure list



that nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the vehicle in question. It is also submitted that petitioners are not the owner of the alleged vehicle in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioners are in custody since 28.02.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 56 of 2026, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.



ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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 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.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

U		T	
---	--	---	--

