

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35559 of 2026

Arising Out of PS. Case No.-44 Year-2026 Thana- JADIA District- Supaul

Sunil Kumar Son of Narayan Yadav Resident of Village- Thakurwadi, Ward
No. 05, P.S.- Jadia, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-05-2026 Heard the learned counsel for the petitioner and
learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Jadia P.S. Case No. 44 of 2026, for an alleged offence
registered under Section 30(a) of Bihar Prohibition and Excise
Act.

3. As per the prosecution case which has been lodged
on the basis of the written report submitted by the informant to
the effect that he got a secret information that the petitioner and
others were going to deliver liquor and have kept it in a maize
field and bush, 100 meter east of the house of Sahadev Yadav.
To verify the authenticity of the said information the informant
along with police personnel reached at the place of occurrence.
Upon seeing the police party 3-4 persons fled away and despite



effort made by them to catch the persons, they managed to escape. The local Chowkidar disclosed the names of the persons who fled away as the petitioner and Mithilesh Kumar. During search, 10 cartoons of foreign liquor to the tune of 82.620 litre was recovered from the bushes inside the pit of Sahdev Yadav and one motorcycle was also recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed the offence. He further submits that nothing incriminating has been recovered from the petitioner, since he was not present at the place of occurrence. He further submits that the seized motorcycle also does not belong to the petitioner and due to political rivalry, petitioner has been implicated in the present case. Further the recovery has been made from an open field, which is accessible to all. The petitioner is also an accused in one more case i.e. Jadia P.S. Case No. 170 of 2023 under the Excise Act.

5. Per contra the learned APP for the State opposes the prayer of the bail of the petitioner and submits that the petitioner is accused in one more case under the Excise Act and there is probability that after his release on anticipatory bail he will again indulge in the same business.

6. Having heard the rival submissions and after going



through the records it appears that the petitioner was not present at the place of occurrence. Total 82.620 litres liquor was recovered from an open place. The petitioner has got no concerned with the seized liquor. Further the petitioner is accused in one more case. Considering the above let the petitioner above named in the event of arrest or surrender within a period of six weeks, 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 Court of Exclusive Special Judge- Excise Court – 1, Supaul, in connection with Jadia P.S. Case No. 44 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further conditions:

(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. 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 the verification.

(Ritesh Kumar, J)

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