

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47072 of 2026

Arising Out of PS. Case No.-476 Year-2026 Thana- SIKARPUR District- West Champaran

1. SATYAM KUMAR S/o Radheshyam Prasad Resident of village- Ajua Sugauli, Ps- Shikarpur, District- West Champaran
2. Sunil Kumar S/o Kittu Sah Resident of village- Ajua Sugauli, Ps- Shikarpur, District- West Champaran
3. Farhan Alam @ Ausljal Alam @ Akasjal Alam S/o Kinan Miyan R/o vill - Bahuarwa Khurd, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

2 22-07-2026 Heard Mr. Sujeet Kumar, learned counsel for the
petitioners and Mr. Ramesh Chandra, learned APP for the State.

2. The present application has been filed on behalf of the petitioner for grant of regular bail in connection with Shikarpur P.S. Case No. 476 of 2026, for the offences punishable under sections 30(a), 32(2), 36, 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 333.5 litres of foreign made liquor from the tractor.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this



case. These petitioners are named in the FIR and were arrested on the spot. It has been submitted on behalf of the petitioners that the entire prosecution is based on suspicion and surmises and there is no legal evidence to connect the petitioner with the alleged offence. It has further been submitted that there is no recovery from the conscious possession of these petitioners. Petitioners are not the owners of the said tractor. From perusal of FIR and seizure list it is found that the seizure list has been prepared on 03.05.2026 at 7:15 PM to 8:00 Clock but the FIR has been instituted on 03.05.2026 at 10:30 'o' clock. There is no independent witness in this case and there is non-compliance with u/s 100 of Cr.PC/section 103 BNSS. Petitioner no. 2 has clean antecedent whereas petitioner nos. 1 and 3 are having one criminal antecedent of similar nature in which they are on bail.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Similarly situated co-accused person, namely, Ritik Kumar has been granted bail by a coordinate Bench of this Hon'ble Court vide order dated 15.06.2026 passed in Cr. Misc. No. 37162 of 2026 and other co-accused person, namely, Parduman Kumar Baitha has been granted bail vide order dated 17.06.2026 passed in Cr. Misc. No. 38045/2026.



7. Considering the aforesaid fact, this application is allowed with regard to the petitioner no. 2, namely, Sunil Kumar.

8. Considering the facts and circumstances of the case, the petitioner no. 2, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-IIInd, Bettiah, West Champaran/concerned court, in connection with Shikarpur P.S. Case No. 476 of 2026, subject to following conditions:-

(i) One of the bailors should be family member of the petitioner.

(ii) Petitioner will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

9. So far as petitioner nos. 1 and 3 are concerned, this



Court is inclined to grant liberty to the petitioner to move a fresh bail application before the learned court below after completion of three months of custody. The learned court below shall consider the bail application of the petitioner and shall release the petitioner on bail upon furnishing bail bond of Rs. 20,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned court below subject to the condition:

(i) One of the bailors should be family member of the petitioner.

(ii) Petitioner will co-operate in the trial and will remain present on all dates personally or should be duly represented through his counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) The court below shall verify the criminal antecedent of the petitioner/petitioners and if at any stage, it is found that the petitioner/petitioners has concealed his/their criminal antecedent, the Court below shall take steps for



cancellation of bail bond of the petitioner.

10. With the aforesaid observation and direction, this application is disposed of.

(Kumar Manish, J)

Ranjeet/-

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