

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49960 of 2026

Arising Out of PS. Case No.-278 Year-2026 Thana- Excise P.S. District- Lakhisarai

Vishal Kumar @ Sugia Son of Late Ravindra Mahto Resident of village-
Madhopur PS -Kajra Distt- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Irshad, Adv.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR

ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with Lakhisari Excise P.S. Case No. 278 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. The prosecution case, in brief, is that acting upon a secret information, the Excise officials conducted a raid at the hut of the petitioner, Vishal Kumar @ Sugia and during search, 31 litres of illicit country-made liquor is said to have been recovered from the hut. The recovered liquor was seized and the petitioner was arrested.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner. He has further submitted that the alleged recovery has been made from the hut which was open and was easily accessible to everyone. In this vein, he has submitted that the possibility of the illicit liquor being kept in the said hut by any person, other than the petitioner cannot be avoided and therefore, the factum of recovery cannot be conclusively imputed to the present petitioner. He has also submitted that the provisions of Section 103 of the BNSS has not been complied with. He has next submitted that the petitioner is a person of clean antecedent and has been in judicial custody since 18.05.2026. He undertakes to cooperate with the investigation and trial as also, not to repeat the offence of similar nature.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case coupled with the fact that the



petitioner is a person of clean antecedent, let the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-VII-cum-Exclusive Special Judge, Excise Court No. II, Lakhisarai/concerned court in connection with Lakhisari Excise P.S. Case No. 278 of 2026, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.

(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.



(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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