IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74675 of 2026

CNR No. BRHC011044882026

Arising Out of PS. Case No.-127 Year-2019 Thana- GOVERNMENT OFFICIAL COMP. District- Katihar

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Sumit Yadav @ Sumit Kumar S/O Bhola Yadav R/O Vill.- Budhu Chowk, P.S.- Sahayak, Dist.- Katihar.

... ... Petitioner/s

Versus

The State Of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mazher Alam, Advocate
For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with C.I. Case No. 127 of 2019, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegedly, on a secret information, the Inspector, Excise, along with other police personnel conducted raid nearby Budhuchak Dam and recovered 115.200 liters illicit wine. The accused persons, including the petitioner, are said to have been fled away from the place of occurrence.

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4. Learned Advocate for the petitioner submitted that undisputedly the present FIR came to be instituted in the year 2019 and on a bare perusal of the FIR, it is evident that the alleged recovery has been made from an open place nearby Budhuchak dam, which is an open place easily accessible to all. Since the petitioner had never been acquainted with the fact that the present case has been instituted, nor any process has been issued, in absence thereof, delay has occurred to approach the Court. The fair antecedent of the petitioner also lends credence over his innocence, is the contention of learned Advocate for the petitioner. Referring to the impugned order, it is further argued that, till date, the investigation is still going on and no process under Section 82, 83 has been issued.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the petitioner has been evading his arrest for the last seven years.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the fair antecedent of the petitioner, as also the lack of materials which attract the rigors to maintain the anticipatory bail, let the petitioner above

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named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds 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 No. 1, Katihar in connection with C.I. P.S. Case No. 127 of 2019, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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