IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74844 of 2026

CNR No. BRHC011054062026

Arising Out of PS. Case No.-714 Year-2026 Thana- MADHAURAH District- Saran

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Sujit Kumar @ Sujit Kumar Ray Son of Began Rai @ Vigan Rai Resident of Village - Senduari Bajrang Bazar, Police Station - Marhaurah, District - Saran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashad, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioner and learned Advocate for the State.

2. The petitioner apprehends his arrest in connection with Marhowrah P.S. Case No.714 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Suspecting that three persons were carrying illicit wine on a scooty, the local residents intercepted them and informed the police by dialling 112. However, in the meantime, the accused persons managed to escape from the clutches of the local residents. One Sunil Rai disclosed that the petitioner was one of the three persons who had been riding the scooty.

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Subsequently, upon search, a total quantity of 12 litres of country-made liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the scooty in question nor with the illicit wine. However, only on account of some previous enmity with some of the local people who were present there, the name of the petitioner has been implicated in this case. The reason behind the false implication is also said to be two criminal antecedent of the petitioner, as has been disclosed in para-3 of the bail application. There are various other discrepancies while carrying out the search and seizure, besides the admitted position that nothing has been recovered from the conscious or constructive possession of the petitioner and, therefore, the statutory prohibition as prescribed under Section 76(2) of the Excise Act, 2016 would not be attracted in the facts of the present case. The petitioner undertakes that he will fully cooperate in the proceedings of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that during the course of investigation nothing has

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surfaced which suggests the complicity of the petitioner in crime, much less the petitioner has no concern with the scooty from where the recovery has been made, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Judge, Saran at Chapra/Successor Court in connection with Marhowrah P.S. Case No.714 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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