IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76098 of 2026

CNR No. BRHC011079922026

Arising Out of PS. Case No.-128 Year-2026 Thana- BHUTAHI District- Sitamarhi

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Sunil Kumar @ Sunil Paswan Son of Satyanarayan Paswan @ Satan Paswan Resident of Village- Bariyarpur, Ward No.4, P.S. and District- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. At the outset, learned counsel for the petitioner is permitted to make necessary correction/s in paragraph Nos.1 & 3 of the bail application in course of the day.

3. The petitioner seeks bail in connection with Bhutahi PS Case No. 128 of 2026 instituted for the offences under Section/s 30(a) of the Bihar Prohibition and Excise Act and Section 317(5) of the Bharatiya Nyaya Sanhita, 2023.

4. The prosecution case, in short, is that 98.5 liters liquor was recovered from a motorcycle.

5. Learned counsel for the petitioner submits that the

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petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that Nepali wine was recovered from other motorcycle, but police has made accused with motorcycle of the petitioner on extraneous consideration. The petitioner is in custody since 23.06.2026 and has got three (3) criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhutahi PS Case No. 128 of 2026, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date

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fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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