IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77089 of 2026

CNR No. BRHC011113272026

Arising Out of PS. Case No.-241 Year-2026 Thana- Excise P.S. District- Saran

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Kundan Kumar Son of Late Rajgir Rai Resident of Village- Sabalpur Pashchim Tola, P.S.- Sonpur, District- Saran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ganesh Prasad Singh, Adv.
For the Opposite Party/s : Mr. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH

ORAL ORDER

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

2. This is an application for regular bail to the petitioner who has been made accused in connection with Sadar Excise P.S. Case No. 241 of 2026 registered for the offences punishable under Sections 30(a) & 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is a recovery of 192.480 liters of illicit foreign liquor from a car. Admittedly, the petitioner is not the owner of the said car.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, has committed no offence and has falsely been implicated in this case. No incriminating article has

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been recovered from the conscious possession of this petitioner and he is in no way related to the alleged recovery. It is submitted that the petitioner is merely a driver of the vehicle and the car belong to one Prasant Kumar and he had no knowledge about loading of illicit liquor. It is submitted that there is no independent witness to the search and seizure and the mandatory provisions of Section 103 and 105 of the BNSS has not been followed while making the seizure list. Petitioner has clean antecedent and is languishing in judicial custody since 20.09.2026.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, the period of custody as also taking into consideration the materials available on record, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-3, Saran at Chapra/concerned court in connection with Sadar Excise P.S. Case No. 241 of 2026, subject to following conditions:-

(i) one of the bailors should be the family

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member/close relative of the petitioner.

(ii) the petitioner shall co-operate in 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.

(Kumar Manish, J)

Abhishek/-

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