IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76068 of 2026

CNR No. BRHC011116972026

Arising Out of PS. Case No.-410 Year-2026 Thana- RAMGARHWA District- East Champaran

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Sunil Prasad @ Pintu Kumar @ Rakesh Kumar, S/o Achhelal Sah, Resident of village- Nawkathwa, P.S.- Ramgarh, District- East Champaran

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sugandh Saurabh, Advocate
For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

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

2. The accused/petitioner seeks bail in connection with Ramgarhwa P.S. Case No.410 of 2026 registered for the offences punishable under Sections 111, 223, 274, 275 of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.') and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the FIR and is in custody since 28.09.2026.

4. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 28.425 liters of IMFL/country-made liquor.

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5. It is submitted by learned counsel appearing for the petitioner that the name of petitioner transpired in this case on the basis of disclosure made by local Choukidar. It is submitted that the recovery of alleged illicit liquor was not made from conscious physical possession of this petitioner rather same was recovered from the house of petitioner, which was occupied by different adult family member and, therefore, it can be said safely that the recovery of alleged illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that the compliance of Section 103(4) of the BNSS has not been followed. It is further submitted that seizure list was not supported by independent witnesses rather same was supported by police personnel. Explaining criminal antecedent, it is submitted that the petitioner found involved in ten criminal cases, where he is on bail. It is submitted that if the merit of the case is in favour of petitioner, merely on the basis of criminal antecedent the prayer for bail ordinarily should not be denied and in support of his submission, learned counsel has relied upon legal report of Hon’ble Supreme Court as

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available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648].**

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact, as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, where petitioner remains in custody since 28.09.2026, accordingly, the petitioner, above-named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Ramgarhwa P.S. Case No.410 of 2026, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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