IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77113 of 2026

CNR No. BRHC011127832026

Arising Out of PS. Case No.-180 Year-2026 Thana- SURSAND District- Sitamarhi

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Ritik Kumar S/O Dilip Sah R/V- Ward no.01, Sursand, PS- Sursand, Distt- Sitamarhi

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ayush Kumar, 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 Sursand P.S. Case No. 180 of 2026 registered for the offences punishable under Section 317(5) of the BNS and under Section 30(a) of the Bihar Prohibition and Excise Act (as amended up to date).

3. As per the prosecution case, altogether 540 liters of illicit foreign liquor is said to have been recovered from a Baleno car. Admittedly, the petitioner is not the owner of the said vehicle.

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. There is no any independent witness to the alleged occurrence. Petitioner is not the owner of the said vehicle as also he has not been arrested from the spot.

5. It is submitted that the petitioner has been made accused in this case on the basis of his previous three similar antecedents. Similarly situated co-accused person has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 01.07.2026 passed in Cr. Misc. No. 42082 of 2026. Petitioner is having three criminal antecedents in which he is on bail. Moreover, he is languishing in judicial custody since 24.08.2026.

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

7. Considering the aforesaid facts and circumstances of the case, 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 court of Exclusive Excise Court-II, Sitamarhi/concerned court in connection with Sursand P.S. Case No. 180 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.

(iv) the trial court shall verify the criminal antecedent of the petitioner and if at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial court shall take steps for cancellation of his bail bonds of the petitioner. However, the acceptance of bail-bond shall not be delayed for the purpose of in name of verification.

(Kumar Manish, J)

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