IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80905 of 2026

CNR No. BRHC011171402026

Arising Out of PS. Case No.-362 Year-2026 Thana- Excise P.S. District- Banka

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Somdev Kumar Son of Sanjiv Das Resident of Village- Bari Vishhar, P.S.- Barahat, District- Banka.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 19-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Banka Excise P.S. Case No. 362 of 2026 registered for the offence punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 165.900 litre illicit liquor was recovered from dickey of the Hyundai car in question. It is alleged that co-accused Manish kumar (driver) and petitioner were apprehended at the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this

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case. Petitioner is in custody since 02.08.2026 and he bears no criminal antecedent. Learned counsel orally submits that petitioner is not owner of the vehicle in question. He further submits that petitioner is merely a co-driver and he has to follow the instruction of the owner of the vehicle in question to earn his livelihood. Petitioner had no knowledge that illicit liquor had been kept in the vehicle in question. Petitioner has no concern with the seized liquor. No incriminating article has been recovered from conscious possession of the petitioner. Seizure list has not been prepared as per law. Petitioner has nothing to do with the alleged recovery. Hence, the petitioner deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused and he was apprehended on the spot. Hence, petitioner cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned

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Exclusive Excise Court - II, Banka or successor court in connection with Banka Excise P.S. Case No. 362 of 2026, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(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.

(Alok Kumar Pandey, J)

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