IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82353 of 2026
CNR No. BRHC011193312026
Arising Out of PS. Case No.-373 Year-2026 Thana- VISHNUPAD District- Gaya

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Sumit Kumar @ Banda S/o Manoj Raut R/o Village - Godawari Bhairo Sthan, PS - Rampur, Dist. - Gaya Ji.

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Mukesh Kumar, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Vishnupad P.S. Case No.373 of 2026 registered for the offences punishable under Sections 30(a) and 32(iii) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. The accused/petitioner named in the FIR and is in custody since 19.08.2026.

4. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 53.190 litres of IMFL/country-made liquor and 20 live cartridges from the rented house of the petitioner.

5. It is submitted by learned counsel appearing for the petitioner that the recovery of seized illicit liquor was made from the house which was taken on rent by this petitioner, but

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during investigation, the compliance of Section 103(4) of the BNSS not appears followed in the present case making entire search and seizure doubtful on its face. It is further submitted that in such view of matter, it can be said safely that the recovery of illicit foreign liquor and live cartridges not appears to be made from the conscious possession of this petitioner. It is pointed out that the room which was taken on rent was just covered by asbestos and was an open place, and therefore, plantation of mischief by others unknown cannot be ruled out.

6. While concluding argument, it is submitted that investigation of this case has already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Explaining criminal antecedent, it is submitted that petitioner found involved in four more criminal cases, where he is on bail in two cases.

7. Learned APP opposed the prayer of bail.

8. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor and firearms *prima-facie* not appears to be made from physical possession of this petitioner, coupled with the fact that investigation of this case has already completed, wherein petitioner remains in

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custody since 19.08.2026, accordingly, the petitioner above-named, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No-IV, Gaya Ji in connection with Vishnupad P.S. Case No.373 of 2026, subject to the condition as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (in short "B.N.S.S.") subject to further condition:-

(i) That petitioner shall not indulge in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to press the petition before the learned Trial Court itself, for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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