

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8196 of 2026

Arising Out of PS. Case No.-25 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Kripa Sahani @ Kripa Kumar Sahani, aged about 19 years, Male, Son of Jalandhar Sahani Resident of Vill.- Salepur, Malahi Tola, P.S.- Bishambharpur, Dist.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Shrishti Rani, Advocate

For the Opposite Party/s : Ms.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2026 Heard Ms. Shrishti Rani, learned counsel appearing on behalf of the petitioner and Ms. Pushpa Sinha, learned APP for the State.

2. The petitioner who is aged about 19 years, is seeking pre-arrest bail in connection with Vishambharpur P.S. Case No. 25/2025 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 55.800 litres of illicit liquor was recovered from a motorcycle bearing Registration No.BR29R2228. Engine No.JA12ABEGE03641 Chassis No.MBUA12ACCG03111.

4. Before I proceed to pass order on merits, I find it necessary to record that today altogether 53 cases are listed



before me, seeking pre-arrest bail for the alleged commission of the offence under Bihar Prohibition and Excise Act, 2016 as amended upto date (hereinafter referred to as “Excise Act, 2016”) which draws attention of this Court that the State Government has not been able to deal with the increasing illicit trade of liquor leading to increase in number of cases in the lower court and this Court. I may not hesitate quoting the observation of the Apex Court in the case of ***Sudhir Kumar Yadav Vs. State of Bihar (S.L.P. (Criminal) Diary No(s). 2482/2022***), wherein the Hon’ble Supreme Court *vide* order dated 23.02.2022 has shown its concern about number of cases/bail application arising out of Excise Act, 2016 by observing in paragraphs no.2 and 3, *inter alia*, as under:

“2. We find a number of cases coming to this Court arising from proceedings initiated under the Bihar Prohibition and Excise Amendment Act, 2018. The trial Court and the High Court are both being crowded by bail applications to an extent that at some stage 16 judges of the High Court are listening to bail matters and prosecutions under the Act concerned forms a large part of it. Denial of bail would also result in crowding of the prisons.

3. We would like to inquire as to what steps the State of Bihar is taking, having brought the law into force and what analysis took place before the law was brought into force in terms of the Court infrastructure required and the manpower required to deal with the litigation which would arise from such a statute. We would also like to know whether the plea bargaining provisions can be taken recourse to deal with the scenario as it is emerging.”

5. The prohibition has pushed the consumption of hooch and drugs not only leading to thriving of parallel



economy of illicit liquor, but also the problem relating to alcoholism. It is recorded that majority of the citizens between the age group of 18 to 35 years are addicted to liquor. This age group is the most productive age group and it has led in terms of human potential loss due to ill effect of liquor on their physical, psychological, moral and their intellectual growth. Perhaps, the State has not taken any preventive measures to combat menace of such abuse.

6. This Court has found the recent trend of smuggling illicit liquor by having minors or those like petitioner who has just emerged as an adult, aged about 19 years. The consumers of illicit liquor laced with methyl alcohol preparing it by adding Urea (fertilizer) or dangerous drugs have lost their life in lacs in the State. Scientifically it establishes effect of even 5 mililitres of Methyl alcohol is enough to make blind and more than 10 mililitres is often fatal, while the other side effects of Methanol includes Acidosis, a condition in which body tends to produce lot of acid leading to kidney failure in absence of rise in urea content in the body.

7. This Court finds that the lives of citizens of the State is risked by the failure of the State machinery effectively carrying on the provision of the Bihar Prohibition and Excise Act, 2016.



8. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that during investigation, petitioner has been made accused being the owner of the said motorcycle. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and the said motorcycle was being driven by co-accused and petitioner had no idea that illicit liquor was being carried on his motorcycle without his consent. Petitioner has no concern with the seized liquor.

9. Learned APP for the State vehemently opposing the bail application submitted that there are materials against the petitioner, as such, his complicity in the illicit trade of liquor cannot be denied.

10. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, petitioner who is aged about 19 years, who has just emerged as an adult is facing prosecution for his involvement in the trade of illicit liquor on the basis of allegation that 55.800 litres of illicit liquor was recovered from motorcycle bearing Registration No.BR29R2228. Engine No.JA12ABEGE03641 Chassis No.MBUA12ACCG03111 registered in his name. He has denied his complicity in the



alleged offence on the ground that he was not present at the time of seizure.

11. *Prima facie*, it appears that as per the seizure list, the motorcycle was allegedly left near Matihania bridge which is an open space and the petitioner allegedly managed to flee away from the spot and the name of the petitioner transpired on the basis of the statement of the chaukidar, as per the allegation made in the FIR.

12. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Vishambharpur P.S. Case No. 25 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

13. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

14. Before parting with the order, I find that this



Court must not abdicate from its constitutional duty to advise the Chief Secretary to take proper care of the petitioner and his rehabilitation, having failed to carry the mandate of Article 47 of the Constitution of India in its true spirit, particularly in those case where juvenile or those who are aged between 18 to 35 years are indulged into offences relating to Excise Act, 2016.

15. Let a copy of this order be communicated to the Chief Secretary, Government of Bihar.

(Purnendu Singh, J)

Sanjay/-

U		T	
---	--	---	--

