

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6798 of 2026

Arising Out of PS. Case No.-484 Year-2021 Thana- FATUA District- Patna

=====

Vishal Kumar @ Vishal Prasad S/O Jaglal Singh @ Jaglal Prasad R/O Village
- Bhagwanpur, P.S- Fatuha, District- Patna. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sushant Pratap Singh, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Fatuha P.S. Case No. 484 of 2021 registered for
the offences punishable under Sections 30(a), 33, 34, 36, 41
56(b) of Bihar Prohibition and Excise Amendment Act.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 100 litres of country made Mahua from the bank of
river.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that the alleged recovery of Mahua appears
to be made from open place i.e. bank of river, accessible by
general public and, therefore, it can be safely said that recovery of
alleged mahua was not made from conscious physical possession



of this petitioner. It is submitted that even the seizure list not appears supported by independent witnesses, rather by home guard personnels. While concluding argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged mahua liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner rather from an open place, accessible by general public, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail 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 Court of Excise, Patna City/concerned Court, where the case is pending in connection with Fatuha P.S. Case No. 484 of 2021 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

veena/-

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

