

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9656 of 2026

Arising Out of PS. Case No.-244 Year-2025 Thana- KURSAILA District- Katihar

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1. Vijay Mandal S/o Siyaram Mandal
2. Vikash Mandal @ Vikash Kumar, S/o Sikandar Mandal
Both are R/o village- Madheli Malinia, P.S.- Kursela, District- Katihar
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Kursela P.S.

Case No.244 of 2025 for offence under Section 30(a) of the

Bihar Prohibition and Excise Act, 2016.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 80 liters of IMFL/country-made liquor.

4. Learned counsel appearing for the petitioners

submitted that the name of petitioners transpired on the basis

of suspicion arising out of disclosure made by local Choukidar.



It is submitted that recovery of alleged illicit liquor was made beside Madheli Dam, which is an open place and accessible by general public. It is submitted that alleged recovery of illicit liquor was not made from conscious physical possession of petitioners. It is submitted that seizure list not appears supported by independent witnesses rather by police personnel. Both petitioners claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of petitioners, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum-Exclusive Special Excise Court-II, Katihar/concerned court in connection with Kursela P.S. Case No.244 of 2025, subject to the conditions as laid down under



Section 438(2) of the CrPC/under Section 482(2) of the
BNSS.

(Chandra Shekhar Jha, J.)

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