

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9801 of 2026

Arising Out of PS. Case No.-381 Year-2025 Thana- MEHSI District- East Champaran

Om Prakash Chaurasiya @ Om Prakash Prasad Chaurasiya S/o Late Bharat
Bhagat R/o Village - Tarapakad, P.S - Mehshi, District - East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Mehshi P.S. Case No. 381 of 2025 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engage in illegal trading/manufacturing of illicit liquor, where, there is recovery of 220 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open area i.e., bank of river, which is accessible by general public, where nothing recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that merely on the ground of criminal antecedents, as petitioner found involved in six more cases, where he is on bail, prayer of bail of



petitioner should not ordinarily be rejected, if merit of this case appears in favour of petitioner. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of Uttar Pradesh and Another, [(2020) 11 SCC 648]**.

5. Learned APP, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, 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 Exclusive Special, Excise Court-III, East Champaran, Motihari/concerned trial court where the case is pending in connection with Mehshi P.S. Case No. 381 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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