

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18110 of 2026

Arising Out of PS. Case No.-92 Year-2026 Thana- Excise P.S. District- West Champaran

1. Nathuram @ Nathu Ram S/O Late Kisuni Ram @ Late Babulal Ram R/O Village- Basopatti, P.S- Sanichari, Distt.- West Champaran.
2. Manish Kumar S/O Nathuram @ Nathu Ram R/O Village- Basopatti, P.S- Sanichari, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 25-03-2026 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Bettiah Excise P.S. Case No.92 of 2026, for having allegedly committed offences under Sections 30(a), 30(c) and 45 of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, on secret information, the police party conducted raid in the house of the petitioners. The petitioner no.2 was said to have been arrested at the place of occurrence, but he fled away with the help of the local villagers and from the place of occurrence, 4.5 litres of country made liquor was recovered and some liquor making equipment



including a cylinder, a pan and other equipments were also seized. Five gallons of 100 litres capacity containing 500 litres of semi unfinished liquor was also destroyed at the place of occurrence.

4. The learned counsel for the petitioner submits that none of the petitioners was present at the place of occurrence and even the house does not belong to the petitioners. The house is a joint family property and the petitioners, who happens to be the father and son, have falsely been implicated in the present case since, the cousin brother of the local Mukhiya and the brother-in-law of the petitioner no.1 were candidates for the election of PACS and due to the enmity, the local Mukhiya gave the name of the petitioners. The alleged liquor has not been seized from the conscious possession of the petitioners and the alleged 500 litres of semi unfinished liquor is said to have been destroyed at an open place which is accessible to all. It is also submitted that while preparing the seizure list, the provisions contained under Section 103 of the B.N.S.S. was not followed. The petitioner no.1 has got clean antecedent while the petitioner no.2 has got one another case in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for bail.



6. Having considered the rival submissions, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), First, Bettiah, West Champaran in connection with Bettiah Excise P.S. Case No.92 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court concerned shall take steps for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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