

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26778 of 2026

Arising Out of PS. Case No.-73 Year-2026 Thana- Excise P.S. District- Saran

Chhotelal Rai, Son of Late Dilip Rai, R/O Vill.- Dumaria Mathia, P.S.-
Chapra Muffasil, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that from the possession of this petitioner, one liter of country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for petitioner has submitted that nothing



has been recovered from his possession. The witnesses of the seizure list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is having no criminal antecedent and he is languishing in judicial custody since 21.03.2026.

5. Learned APP appearing for the State has vehemently opposed the application for bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Court, Saran at Chapra in connection with Sadar Excise P.S. Case No. 73 of 2026.

7. Before parting, it is very disheartening to note that even in the officers in the cadre of A.D.J. is not able to appreciate that liability in criminal cases is personal not vicarious. From the possession of this petitioner, only one liter of country made liquor has been recovered and the learned trial Court has rejected his prayer for bail without applying mind and blatantly following the finding of the police that the recovery



has been made from the joint possession. The trial Court should introspect as to how he should exercise his jurisdiction and discretion.

(Ashok Kumar Pandey, J)

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