

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27737 of 2026

Arising Out of PS. Case No.-97 Year-2026 Thana- MADHUBAN District- East Champaran

Manish Kumar S/O Akhilesh Sah R/O Village- Dulma, P.S- Madhuban, Distt.-
East Champaran. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 319(2), 318(4), 338, 336(3), 340(2), 339, 3(5) of the B.N.S. and Section 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 441.9 liters of foreign liquor is said to have been recovered from the Scorpio vehicle and the petitioner is the driver of the said vehicle.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. It is submitted that the name of the petitioner has transpired on the basis of confessional statement of co-accused Kutubudin Ansari and as a matter of fact, neither the vehicle nor the alleged hut from which it has been stated that 1.260 litres illicit liquor was recovered belongs to the present petitioner. It is further submitted that the mandatory provisions of search and



seizure have been violated as there is no independent witness to the seizure list. Further, the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail.

6. Taking into consideration the facts and circumstances and also considering the fact that the name of the petitioner has transpired from the confessional statement of co-accused who has already been granted bail and petitioner has no criminal antecedent, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Madhuban P.S. Case 97 of 2026, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S., subject to the further conditions:

(i) One of the bailors will be a family member/close relative.

(ii) The petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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