

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29143 of 2026

Arising Out of PS. Case No.-113 Year-2026 Thana- SIKARPUR District- West Champaran

Neeraj Kumar @ Niraj Sah S/o Late Shambhu Sah R/o vill - Purani Bazar
Narkatiyaganj, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Rakesh Kumar, Adv.

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-05-2026 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shikarpur P.S. Case No. 113 of 2026 registered for the offences punishable under Section 30(a), 32(ii), 36, 41(1) Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 4437 litres of IMFL/country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is neither owner nor the driver and also not connected in any manner with vehicle and illicit liquor which alleged to be recovered from the



truck, in issue. It is submitted that mere on the basis of suspicion as he was found fleeing away from the place of recovery alongwith three unknown persons, where he was identified by local *chawkidar*, he was implicated with present recovery of illicit liquor. It is submitted that local *chawkidar* failed to name another three person who also found fleeing from the place of recovery but as this petitioner found involved in 11 more criminal cases of similar nature, where he is on bail, mere on the basis of said suspicion he was implicated with present case. It is submitted that admittedly the recovery of illicit liquor was not made from the conscious physical possession of this petitioner.

5. It is further submitted by learned counsel that if the merit of case appears in favor of petitioner, mere on the basis of criminal antecedents ordinarily bail of petitioner should not be rejected, 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 Anr.*** reported in ***(2020) 11 SCC 648.***

6. Learned APP, opposes the prayer of bail.



7. In view of aforesaid factual submission and by taking note of fact as the recovery of alleged illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, where implication of this petitioner also appears primarily raised on the basis of suspicions as per disclosure of local *chawkidar* as discussed aforesaid, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court II, Bettiah /concerned Court, where the case is pending in connection with Shikarpur P.S. Case No. 113 of 2026, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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