

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30187 of 2026

Arising Out of PS. Case No.-93 Year-2026 Thana- KESARIA District- East Champaran

1. Rakesh Kumar, Son of Hira Rai,
2. Achchelal Kumar yadav @ Achhelal Kumar Yadav, Son of Bahadur Rai
Both are resident of village - Kadhan, P.S.- Kesariya, Dist- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Kesariya

P.S. Case No.93 of 2026 registered under Section 30(a) of

the Bihar Prohibition and Excise Act.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 203 liters of country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioners that the alleged country-made liquor was

recovered from an open Kadhan Diyara, which is accessible



to general public and, therefore, it can be said safely that recovery was not made from conscious physical possession of this petitioner. It is submitted that the seizure list appears disputed, as being not supported by independent witness rather by police personnel. It is pointed out that petitioner was implicated only on the basis of suspicion raised by local choukidar namely, Ram Bahadur Rai. While concluding argument, it is submitted that both petitioners found involved in three more criminal cases, where they are on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged country-made liquor *prima facie* not appears to be made from conscious physical possession of petitioners, accordingly, both above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on 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 No.-3, East Champaran at Motihari in connection with Kesariya P.S. Case No.93 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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