

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34577 of 2026

Arising Out of PS. Case No.-169 Year-2026 Thana- RAXAUL District- East Champaran

Munna Yadav @ Munna Kumar, S/o Gopal Rai @ Gopal Prasad Yadav, R/o
vill- Siswa Konhi, P.S.- Raxaul, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-07-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Raxaul P.S. Case No.169 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act,2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 80 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from a Motorcycle. It is further submitted that the petitioner is



neither the owner nor was he apprehended on the spot, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioner surfaced due to village politics. While concluding the argument, it is submitted that merely on the ground of criminal antecedents, as petitioner found involved in eleven more cases, where he is on bail in ten cases except one case, prayer of bail of petitioner should not ordinarily be rejected, if merit of this case appears in favour of petitioner. 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 Another, [(2020) 11 SCC 648]**.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* not



appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 Exclusive Special Excise Court No.03, East Champaran in connection with Raxaul P.S. Case No.169 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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