

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35643 of 2026

Arising Out of PS. Case No.-55 Year-2026 Thana- KASIMBAZAR District- Munger

Sanjay Kumar @ Sanjay Yadav Son of Kamleshwari Prasad Yadav Resident
of Nawtoliya, J.R.S. College Road, P.S.- Kasim Bazar, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Adv.
Mr. Surya Narayan Sah, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard Mr. Jyoti Ranjan Jha, learned Advocate for the
petitioner and learned Additional Public Prosecutor for the State
through virtual mode.

2. The petitioner apprehends his arrest in connection
with Kasim Bazar P.S. Case No. 55 of 2026, registered for the
offences punishable under Sections 30(a), 32, 56 of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The police on a tip off selling of illicit liquor
conducted a raid. However, noticing the police party, some
persons, who were present there succeeded in fleeing away and
one Rakesh Kumar was apprehended. The apprehended person
disclosed the name of the petitioner as one of the accomplice,
who indulged in selling of liquor. On search, total 9.5 litres



country made *chulai* liquor was recovered, besides five motorcycles which were parked there.

4. Learned Advocate for the petitioner submits that the alleged recovery has been made nearby the farm of the petitioner and only on account of suspicion the name of the petitioner has been implicated in this case. The petitioner has neither any concern with the illicit liquor nor with the motorcycles which were recovered from the place of occurrence. Only on account of the reason that the recovery has been made beside the farm of the petitioner, his name has been implicated in this case. The aforesaid position is also fortified by the fact that the petitioner has never been implicated in any of the penal provisions of the Bihar Prohibition and Excise (Amendment) Act. There is absence of cogent material which attracts the rigors provided under Section 76 of the Bihar Prohibition and Excise (Amendment) Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the alleged recovery has been made from the farm of the petitioner.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the alleged recovery has been made from an open place nearby



the farm of the petitioner and there is non-compliance of the mandatory provisions of Sections 103 and 105 of the BNSS, besides the fair antecedent of the petitioner, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Kasim Bazar P.S. Case No. 55 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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