

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34440 of 2026

Arising Out of PS. Case No.-71 Year-2026 Thana- BAJPATTI District- Sitamarhi

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Dilip Rai, S/o Sakal Rai, R/o village- Narha Utarwari Tol @ Narha Kala @
Narha Kala Utarwari Tol, P.S.- Bajpatti, Dist.- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

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

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 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 Bajpatti P.S. Case

No.71 of 2026 registered under Section 30(a) of the Bihar

Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 126 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 bamboo grove located near Narha Utarwari Tol area, which



is an open place, accessible to the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioner. 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 solely on the basis of the disclosure made by the local villagers. The petitioner has five criminal antecedent.

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

6. In view of aforesaid factual submissions and by taking of 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-II,



Sitamarhi in connection with Bajpatti P.S. Case No.71 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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