

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36573 of 2026

Arising Out of PS. Case No.-56 Year-2018 Thana- DALSINGHSARAI District- Samastipur

Mohan Rai Son of Late Dhanpat Rai Resident of Village- Bikrampur Bandey,
P.S.- Muffasil, District- Samastipur Petitioner/s
Versus
The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, APP
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2026 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Dalsingh Sarai P.S. Case No. 56 of 2018 registered for the offences punishable under Sections 272 and 273 of the IPC and Sections 30(a), 38(1), 38(2) and 41(1) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engage in illegal trading/manufacturing of illicit liquor, where, there is recovery of 882 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that name of this petitioner transpires in this case on the basis of disclosure as made by apprehended co-accused persons. It is further submitted that petitioner is not connected in any manner either with seized vehicle or with illicit liquor. It is submitted that recovery is not made from conscious physical possession of the petitioner. While concluding the



argument it is submitted that petitioner found involved in three more cases, where two cases are of same nature and on the basis of said suspicion name of petitioner was disclosed by apprehended co-accused in the present case without any connecting material.

5. Learned APP, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above as recovery of illicit liquor prima-facie not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, 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-Ist, Samastipur/concerned trial court where the case is pending in connection with Dalsingh Sarai P.S. Case No. 56 of 2018 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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