

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36741 of 2026

Arising Out of PS. Case No.-91 Year-2026 Thana- PHULPARAS District- Madhubani

Uttimlal Khatawe @ Uttimlal Chaupal S/O Ghuran Khatawe Resident of
Village- Parsa, Ward no. 2, P.S- Ghoghardiha, District- Madhbani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in FIR and apprehending his arrest in connection with Phulparas P.S. Case No. 91 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 16.170 litres of IMFL/country made liquor from the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that admittedly the recovery of illicit liquor was not made from physical possession of this petitioner. It is



pointed out that the seizure list appears doubtful being not supported by independent witnesses. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail 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 Judge Excise Act, Jhanjharpur, District-Madhubani/concerned Court, where the case is pending in connection with Phulparas P.S. Case No. 91 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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