

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37334 of 2026

Arising Out of PS. Case No.-43 Year-2026 Thana- BARHIYA District- Lakhisarai

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Benga @ Banga @ Ram Prasad Mahto @ Ram Prasad Ray Son of Bahadur
Sahni @ Bahadur Ray Resident of Village -Barahiya Near B.N.M. College,
PS. -Barahiya District -Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-07-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Barahiya P.S. Case No. 43 / 2026 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 45 litres of
country made *Mahua* liquor and 2000 litres of fermented
Mahua were recovered from *Garhtola Dih Diyara* near bank of
river Ganga.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Learned counsel further



submitted that recovery of illicit liquor has been made from the *Garhtola Dih Diyara* near bank of river Ganga, which is an open space and is easily accessible by anyone. Petitioner has no concern either with the place of recovery or with the alleged recovered liquor.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that recovery of illicit liquor has been made from the *Garhtola Dih Diyara* near bank of river Ganga, which is an open space and is easily accessible by anyone, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Barahiya P.S. Case No. 43 / 2026, subject to the conditions as laid down under Section 482(2) of



the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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