

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39203 of 2026

Arising Out of PS. Case No.-162 Year-2026 Thana- Excise P.S. District- Siwan

Prabhunath Bhagat, Son of Late Hiralal Bhagat, R/o Village - Gopalpur, P.S.-
Hussainganj, District - Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-06-2026 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 Siwan Excise P.S. Case No.162 of 2026 registered under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2016 Amended 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 1575 liters of IMFL/country-made liquor from a Pickup van bearing Registration No. BR29P7963.

4. It is submitted by learned counsel appearing for petitioner that the petitioner has been implicated with



present recovery of illicit liquor only for the technical reason as he was the registered owner of the Bolero pick up vehicle, which alleged to be involved in carrying illicit liquor. It is submitted that the vehicle in issue was already sold by this petitioner on 18.09.2025, whereas the alleged recovery was made on 28.02.2026. In support of his submission, learned counsel referred to Annexure-2 of the present bail petition, showing the agreement to sale, having all details of the person to whom the vehicle in issue was sold. Arguing further, it is pointed out that in any case, it can be safely gathered that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean 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 conscious 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 Judge Excise Court No.2, Siwan in connection with Siwan Excise P.S. Case No.162 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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