

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39260 of 2026

Arising Out of PS. Case No.-297 Year-2026 Thana- MAKHDUMPUR District- Jehanabad

1. Dilip Kumar S/o Shri Prem Raut R/o vill - Tilkai, P.S.- Bishnuganj, Distt.- Jehanabad
2. Ashish Kumar @ Sahil S/o Shri Virendra Prasad R/o vill - Tilkai, P.S.- Bishnuganj, Distt.- Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vivekanand Vivek, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Makhdumpur P.S. Case No. 297 of 2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is to have in possession of 2.5 litres of Kingfisher strong premium Beer, which was kept inside the refrigerator of one co-accused Samir Alam.

4. Learned counsel appearing on behalf of the petitioners submitted that admittedly recovery was made from the house of co-accused Samir Alam and on the basis of disclosure of his servant, name of petitioners were implicated with the present



recovery of prohibited Beer, therefore, it can be safely said that recovery of illicit Beer was not made from conscious physical possession of petitioners, who claimed to be the men of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit Beer *prima-facie* not appears to be recovered from conscious physical possession of the petitioners, who are the men of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-I, Jehanabad/concerned court in connection with Makhdumpur P.S. Case No. 297 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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