

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40748 of 2026

Arising Out of PS. Case No.-40 Year-2026 Thana- Raghunathpur Excise District- Siwan

Upendra Rai S/O Barister Rai R/O Village- Narahwa Sukul, Ps-Gopalapur,
Distt- Gopalganj, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyanshu Kumar Singh, Advocate
For the Opposite Party : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 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 Excise Raghunathpur P.S. Case No.40 of 2026 registered under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 135 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the recovery of alleged liquor was made



from a motorcycle bearing Registration No. BR 29L 8234. It is submitted that he has been implicated in the present case only because he is the owner of the motorcycle in question. It is also submitted that there was no independent seizure list witnesses. Compliance of Section 103(4) of BNSS also not appears followed. It is submitted that the recovery of illicit liquor was not made from conscious possession of the petitioner. Petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from 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 Special Judge (Excise) Court- 02, Siwan, in connection with Excise Raghunathpur P.S. Case



No.40 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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