

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41205 of 2026

Arising Out of PS. Case No.-105 Year-2026 Thana- Bikramganj Excise District- Rohtas

Kanhaiya Kumar, S/o Sri Bhagwan Singh, Resident of Village-
Parmeshwarpur, P.S.- Dawath, District- Rohtas

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 25-06-2026 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 P.S. Bikramganj Case No.105 of 2026 registered under Section 30(a) 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 95 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for petitioner that the seized liquor was recovered from an open field. The field, being an open place accessible to the general



public, cannot be said to be in the exclusive possession or control of the petitioner. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioner surfaced solely on the basis of the disclosure statement of the co-accused, namely Chhotelal Kumar. It is also submitted that nothing has been recovered from the conscious possession of the petitioner. The petitioner has one criminal 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 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-I,



Rohtas at Sasaram in connection with Excise P.S.
Bikramganj Case No.105 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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