

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44790 of 2026

Arising Out of PS. Case No.-154 Year-2026 Thana- Excise P.S. District- Kaimur (Bhabua)

Uday Kumar S/o Pujari Bind Resident of Village- Bharkhar, P.S.- Mohania,
District- Kaimur at Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 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 Prohibition and Excise P.S. Bhabua Case No.154 of 2026 registered under Section 30(a), 32(i) and (iii), 41(i) and (ii) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 40.28 litres of IMFL/country-made liquor.

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



made from the motorcycle bearing Registration No. BR45F 9682, It is also submitted that the name of petitioner arrayed solely for the reason that petitioner is the owner of the said motorcyle. It is further argued that petitioner was neither present at the spot nor was he connected in any manner with the seized liquor. It can be safely that recovery of illicit liquor was not made from conscious possession of this petitioner. It is also submitted that the seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. Explaining criminal antecedent, it is submitted that the petitioner found involved in two more criminal cases of similar nature, where he is on bail.

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- II, Kaimur at Bhabhua, in connection with Prohibition and Excise P.S. Bhabua Case No.154 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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