

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43554 of 2026

Arising Out of PS. Case No.-297 Year-2023 Thana- SUGAULI District- East Champaran

Shambhu Sah @ Shambhu Mahto, Son of Kishu Mahto @ Kishun Mahato,
Resident of Village- Harsidhi, P.S.- Harsidhi, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2026 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 Sugauli P.S. Case No.297 of 2023 registered under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 39 litres of IMFL/country-made liquor.

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



Bike bearing Registration No. BR05X-4607. It is further submitted that nothing has been recovered from the conscious possession 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 disclosure made by a local Chaukidar. The 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 fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a man of clean antecedent, 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 No.-I, East Champaran,



Motihari in connection with Sugauli P.S. Case No.297 of 2023, 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.)

Raushan/-

U		T	
---	--	---	--

