

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42156 of 2026

Arising Out of PS. Case No.-75 Year-2026 Thana- Excise P.S. District- Samastipur

Ramchandra Mahto @ Ramchandra Singh S/o Late Buland Mahto Resident
of Village- Gangoli, Ward No.- 05, P.S.- Vibhutipur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Sweta Suman, Advocate

For the Opposite Party : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 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 Rosera Excise P.S. Case No.75 of 2026 registered under Section 30(a) 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 16.76 litres of IMFL/country-made liquor.

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



the name of petitioner arrayed solely for the reason that petitioner is the owner of house. It is also submitted that house of petitioner is a joint family property and also the petitioner was not present at the spot. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. It is further argued that the requirement of Section 103(4) of the BNSS has not been complied with, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. 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, who is a man of clean antecedent, 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 Excise Judge-2, Samastipur, in connection with Rosera Excise P.S. Case No.75 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.)

Aniket/-

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

