

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43433 of 2026

Arising Out of PS. Case No.-118 Year-2026 Thana- BODHGAYA District- Gaya

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1. Mahesh Mistri @ Mahesh Sharma S/o Late Muneshwar Mistry R/o Village- Pachhatti, PS- Bodh Gaya, Dist- Gaya
 2. Sunil Kumar S/o Mahesh Mistri @ Mahesh Sharma R/o Village- Pachhatti, PS- Bodh Gaya, Dist- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Vijay Kumar, Advocate
For the Opposite Party : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Bodhgaya

P.S. Case No.118 of 2026 registered under Section 30(a) of

Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 15.125 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioners that the recovery of alleged illicit liquor was



made from the cowshed of petitioners. It is also submitted that the cowshed of the petitioner is an open place accessible to general public. It is further submitted that name of these petitioners arrayed solely for the reason that cowshed belongs to petitioners. It is further argued that petitioners were not present at the spot when the alleged liquor was seized and it can be safely said that recovery of illicit liquor was not made from conscious possession of these petitioners. It is argued that no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Petitioners claim clean antecedent.

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

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 these petitioners, who are man of clean antecedent, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks



from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No. 1, Gaya Jee, in connection with Bodhgaya P.S. Case No.118 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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