

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43466 of 2026

Arising Out of PS. Case No.-99 Year-2026 Thana- MOTIHARI TOWN District- East
Champaran

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Lalji Mahto Son of Madan Mahto Resident of village - Das Tola, Kumari
Devi Chowk, P.S.- Motihari Nagar, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Manoj Kumar, Advocate
For the Opposite Party : Mr. Jagdhar Prasad, APP

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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 Motihari Town

P.S. Case No.99 of 2026 registered under Section 30(a) of

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 30 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing on

behalf of the petitioner that the recovery of alleged illicit

liquor was made from a sack at vacant land near Das Tola



which is an open place accessible to general public. It is also submitted that name of petitioner arrayed solely on the disclosure made by the local people. It is further argued that petitioner is neither connected with the seized liquor in any manner nor the petitioner was present on the spot where alleged liquor was seized. It is further said 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, 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 Exclusive Special Excise Judge-I, East Champaran, Motihari, in connection with Motihari Town P.S. Case No.99 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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