

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.43421 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- ISUAPUR District- Saran

Shailendra Rai @ Shalendra Kumar Son of Sheojee Rai R/o Village - Lauwa,
P.S.- Isuapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Tiwary

For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 03-07-2026

Heard the parties.

2. The petitioner is named in FIR and apprehending their arrest in connection with Isuapur P.S. Case No. 128 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 624 litres of liquid spirit from the place of occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open field like bamboo bush (*banswari*), which is accessible by general public, where nothing recovered from the conscious physical possession of the petitioner. It is further submitted that the name of petitioner surfaced on the basis of disclosure made by local *chowkidar*. It is also pointed out that recovery of illicit liquor was not made from physical possession of this



petitioner. While explaining criminal antecedent, it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submission as recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra/concerned Court, where the case is pending in connection with Isuapur P.S. Case No. 128 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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