

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41914 of 2026

Arising Out of PS. Case No.-164 Year-2026 Thana- SUPPI District- Sitamarhi

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Ganesh Ray S/O Shyam Kishor Ray R/V - Jamla, P/S - Suppi, Dist - Sitamarhi

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Suppi P.S. Case No. 164 of 2026 registered for the offences punishable under Sections 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018 and section 317 of the Bhartiya Nyay Sanhita, 2023.

3. The allegation against the petitioner is to have in possession of 105.6 litres of Nepali Desi Liquor and engaged in illegal trading/manufacturing of illicit liquor and further allegation to tamper with engine number and chassis number is also available against this petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that apparently recovery of alleged illicit liquor was not made from conscious possession of this petitioner. It is



submitted that two co-accused persons namely, Chandan Kumar and Pinki Kumari were arrested with illicit liquor. It is submitted that the name of petitioner disclosed by the apprehended co-accused persons out of previous enmity and also for the suspicion that the petitioner was implicated in ten criminal cases, where he is on bail.

5. Arguing further, it is submitted that the prayer of bail of accused should not be ordinarily rejected on the sole ground of his criminal antecedent, if merit of the case otherwise appears in his favour. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. In view of the 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, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the



like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-01, Sitamarhi/concerned court in connection with Suppi P.S. Case No. 164 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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