

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43442 of 2026

Arising Out of PS. Case No.-128 Year-2026 Thana- KATHAIYA District- Muzaffarpur

Abhisek Kumar singh alias abhisek Kumar Son of Arun Kumar singh @ Arun Kumar R/O Vill.- Sirsiya Jagdish, P.S- Kathaiya, Dist.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate

For the Opposite Party : Mr. Kumar Ranjit Ranjan, APP

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 Kathaiya P.S. Case No.128 of 2026 registered under Sections 274 and 275 of the Bharatiya Nyaya Sanhita (in short 'B.N.S.', 2023) and Sections 30(a), 32(2), 36, 41(1) of Bihar Prohibition and Excise Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 137.85 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for



the petitioner that the recovery of alleged illicit liquor was made from the poultry farm of co-accused, namely, Roshan singh. It is also submitted that name of petitioner arrayed solely on the disclosure made by the other co-accused. It is further said that petitioner is neither connected with alleged liquor nor the petitioner was apprehended on the spot and it can be safely said that the 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 one criminal case, 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 Judge Excise- II, Muzaffarpur, in connection with Kathaiya P.S. Case No.128 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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