

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44018 of 2026

Arising Out of PS. Case No.-399 Year-2024 Thana- KHUSRUPUR District- Patna

Makhhi Kumar @ Subodh Kumar @ Subodh Yadav S/O Dinesh Singh R/O
Village - Kayampur, P.S- Khusrupur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Khusrupur P.S. Case No. 399 of 2024, registered for the offences punishable under Sections 30(a), 37 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. During patrolling, the police received information regarding the sale of illicit liquor in a hut; whereupon they conducted a raid and apprehended two persons, who were found to be intoxicated. The apprehended persons disclosed that it is the petitioner and others who used to sale the illicit wine. In course of search, total 24.3 litres illicit liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the hut in question



nor he has ever sold the illicit liquor to the persons apprehended by the police. Save and except the disclosure made by the apprehended persons, there is no material on record which suggests the complicity of the petitioner in crime. Only on account of three past criminal antecedent, out of which one is in connection with Excise Act, the name of the petitioner has been implicated in this case. There is no compliance of Sections 103 and 105 of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that the alleged recovery has been made from a hut which does not belong to the petitioner, coupled with the infirmities in search and seizure, besides nothing has been recovered from the conscious or constructive possession of the petitioner and, as such, the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act would not be applicable, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Court of Excise, Patna City, Patna in connection with Khusrupur P.S. Case No. 399 of 2024 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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