

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44872 of 2026

Arising Out of PS. Case No.-82 Year-2026 Thana- SAUR BAZAR District- Saharsa

Sittu Kumar, Son of Hitlar Yadav, Resident of village- Laxaminiya Tola,
Kanp, Ward no. 4, P.S.- sour Bazar, Dist- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 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 Sour Bazar P.S. Case No.82 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended).

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit cough syrup, where there is recovery of 15 litres of Cough Syrup.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from Maize field of one, namely, Chandan Kumar. It is initially



submitted that the present case was instituted under the provisions of the Excise Act and not under the NDPS Act. It is further submitted that the name of the petitioner surfaced solely on the disclosure made by villagers, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, who is a man of clean antecedent, 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, Saharsa in connection with Sour Bazar P.S. Case No.82 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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