

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44676 of 2026

Arising Out of PS. Case No.-146 Year-2026 Thana- MIRGANJ District- Gopalganj

Chhathu Sah, Son of Sitaram Sah, Resident of village- Nabiganj P.S
-Badhariya, Dist- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026 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 Mirganj P.S. Case No.146 of 2026 registered under Section 317(5) of the Bharatiya Nyaya Sanhita (in short 'BNS', 2023) and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 61 litres and 400 ml of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for



the petitioner that the seized illicit liquor was recovered from the bank of the river. Being an open place, it is accessible to the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioner. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioner surfaced solely on disclosure made by the local villagers. The petitioner has five criminal antecedent of similar nature, in which, 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 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 Excise Court No.-II, Gopalganj in connection with Mirganj P.S. Case No.146 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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