

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45520 of 2026

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

Raushan Kumar @ Raushan Singh, S/o Vinod Singh, R/o Village - Srishiyani,
P.S - Kathaiya, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mrs. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-07-2026 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, 275 of the Bharatiya Nyaya Sanhita (in short 'BNS',2023) and Sections 30(a), 32(2), 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 137.850 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for



the petitioner that the seized illicit liquor was recovered from a *poultry farm*, which is an open place 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 the disclosure statement made by co-accused persons namely, Tuntun Kumar and Dinesh Kumar. The petitioner has four criminal antecedent, 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 Judge Excise-II, Muzaffarpur in connection with Kathaiya P.S. Case No.128 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Raushan/-

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