IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77505 of 2026

CNR No. BRHC011126692026

Arising Out of PS. Case No.-1300 Year-2026 Thana- Excise P.S. District- Muzaffarpur

==========

Sanjog Rai S/O Ramanand Rai Resident of Village- Gurmi Aathar, P.S.- Mushari, Distt- Muzaffarpur

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Madhusudan Kumar, Adv.
For the Opposite Party/s : Mr. Anish Chandra, APP

==========

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with Excise P.S. Case No. 1300 of 2026 lodged on 19.07.2026, for the offence punishable under Sections 30(a) & 30(c) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, FIR has been lodged against the sole petitioner and some unknown persons. Total recovery of 320 litres of illicit liquor has been made, which is the subject matter of the present case. From the FIR as well as the seizure list, it is crystal clear that from the bush on the vacant land which is alleged to be in possession of the

WEB COPY

petitioner, a gas stove and gas cylinder were recovered in which 320 litres of illicit liquor was kept and seized by the police.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that in the village area, the land on which bush is there, is basically a public place in nature. He further submits that in the seizure memo, petitioner has been shown absconding. Counsel submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has one criminal antecedent in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that recovery has not been made from the conscious possession of the petitioner, rather, from a barren land, the alleged liquor has been recovered.

6. As such, in the present facts and circumstances of the case, let the above-named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Judge Excise-II, Muzaffarpur, in connection with Excise P.S. Case No. 1300 of 2026, subject to the conditions as laid

WEB COPY

down U/s 482(2) of the B.N.S.S., 2023 with further conditions that:-

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his/her *bona fide;*

(ii) the petitioner shall appear before the Trial Court on each and every scheduled date, and failure to do so for two consecutive dates without any plausible reason/explanation shall be resulted into cancellation of his bail bonds by the Trial Court itself.

(Dr. Anshuman, J)

Divyansh/-

U		T	

WEB COPY