IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79542 of 2026

CNR No. BRHC011161142026

Arising Out of PS. Case No.-392 Year-2026 Thana- PHULPARAS District- Madhubani

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Kailash Kumar @ Kailash Kumar Sahu son of Raghunath Sahu R/o - Chikna, P.S - Ghoghradiha, District - Madhubani, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

2 18-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulparas P.S. Case No. 392 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, altogether 576 litre illicit liquor was recovered from the newly constructed house of the apprehended co-accused Dhiraj Kumar. Petitioner and others were apprehended at the spot. It is alleged that three motorcycles were also recovered from the spot.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as

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alleged in the FIR and he has falsely been implicated in the present FIR. He further submits that the place from where the alleged recovery has been made, does not belong to the petitioner. He further submits that petitioner is not the owner of any of the seized motorcycles in question. Seizure list has not been prepared as per law. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner is in custody since 26.09.2026 and he bears criminal antecedent of one case which is not similar to the present case and petitioner is on bail in the said case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is FIR named accused person and he was apprehended at the place of occurrence. Hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the

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satisfaction of learned Exclusive Special Excise Court, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 392 of 2026, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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