

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83548 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- BARH District- Patna

Tetar Rai S/O Late Lakhan Rai R/O Vill- West Malahi, P.S.- Barh, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-01-2026

Heard the parties.

2. The petitioner seeks bail in connection with Barh P.S.

Case No. 44 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The petitioner is named in the F.I.R. and is in custody since 28.08.2025.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 70 litres of IMFL/country made liquor and 5000 litres *Java Mahua*.

5. Learned counsel appearing on behalf of the petitioner submitted that manufacturing kiln (*bhatti*), *java mahua* and alleged illicit liquor appears to be recovered from an open place, which is accessible by general public, and admittedly the petitioner was not apprehended from spot. It is submitted that the name of



this petitioner was supplied by nearby locals, where the alleged *bhatti* was operational. While concluding the argument, it has been submitted that petitioner found involved in two more cases, where he is on bail and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact, as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has been submitted, accordingly petitioner above named, is directed to be released on bail in connection with Barh P.S. Case No. 44 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Barh, Patna /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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