

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5380 of 2025**

Arising Out of PS. Case No.-433 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Gaya

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Badhan Manjhi S/o Late Mulchand Manjhi R/o Village- Karmanchak, P.S.-  
Mofussil, Distt.- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brijeshwar Narayan Singh  
For the Opposite Party/s : Mr.Amitesh Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      19-02-2025                      Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Gaya Excise P.S. Case No. 433 of 2019 registered for the offences punishable under Section 30(a) and 30(c) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 5 litres of country made liquor and 225 kg *Jawa-mahua*.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that the alleged recovery of country-made liquor was made from the house of the petitioner which said to be occupied by several adult members and therefore it can be said safely that the recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is pointed out that petitioner is a man of clean antecedent. While concluding arguments, it is submitted that compliance of Section 103(4) BNS/ 100(4) of Cr.P.C. regarding search of premises not appears followed in the present case.

5. Learned APP, opposes the prayer of bail.

6. In view of the aforesaid facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent, accordingly, petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Gaya/concerned Court, where the case is pending in connection with Gaya Excise P.S. Case No. 433 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

**(Chandra Shekhar Jha, J)**

Sudha/-

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