

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2958 of 2025

Arising Out of PS. Case No.-530 Year-2024 Thana- MOKAMAH District- Patna

Dinesh Ray Son of Baleshwar Ray Resident of village - Mekra Ward No.- 5,
P.S.- Mokama, District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mokama P.S. Case No. 530 of 2024 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 7.425 liters of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was recovered



from the house of this petitioner, which is occupied jointly by other adult family members also. It is submitted that in view of same, it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner, particularly in such a circumstance, when petitioner was found absent at the time of raid. It is pointed out that compliance of Section 103(4) of B.N.S.S. not appears to be followed in the present case, which is otherwise mandatory to be followed while searching any premises/house. It is submitted that petitioner is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor not appears *prima-facie* made from conscious physical possession of this petitioner who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each



to the satisfaction of learned Exclusive Special Judge, Excise,
Barh, Patna/concerned court in connection with Mokama P.S.
Case No. 530 of 2024, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C/Section 482(2) of the
Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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