

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5477 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Viswanath Sah S/o- Late Ugar Sah Village- Pokadiya Ps- Chhauradano Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-02-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Chhauradano

P.S. Case No. 237 of 2021 registered for the offences

punishable under Section 30 (a), 32 and 41(i) of the Bihar

Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 2 litres of IMFL/country made

liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that the alleged illicit liquor appears to be recovered from the *gauvas*/cowshed, which is an open place and easily accessible by general public suggesting on its face that recovery was not made from the conscious physical possession of this petitioner. While concluding the argument it is submitted that petitioner found involved in one more case of similar nature, where he is on bail.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of the facts and circumstances and by taking note of the fact as recovery of illicit liquor prima facie not appears to be made from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, Motihari, East



Champaran/concerned trial court where the case is pending in connection with Chhauradano P.S. Case No. 237 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS with further condition :-

(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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