

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5927 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- PHULPARAS District- Madhubani

Sunil Yadav S/O Nageshwar Yadav R/O Village- Pubari Tola, Phulparas, P.S.-
Phulparas, District- Madhubani. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 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 F.I.R. and

apprehending his arrest in connection with Phulparas P.S. Case

No. 407 of 2024, registered for the offences punishable under

Section 30(a) of the Bihar Prohibition and Excise Amendment Act,

2022.

3. The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 1259.4 litres of IMFL/country made liquor from the

partly construed house.

4. Learned counsel appearing on behalf of the petitioner

submitted that the alleged recovery of illicit liquor appears to be

made from partly constructed house, which is a joint family

property of the petitioner. It is submitted that due to only part

construction, the premises in issue is an open place and accessible



by general public and, therefore, it cannot be said that alleged recovery of illicit liquor was made from conscious physical possession of this petitioner. It is submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of alleged illicit liquor not appears *prima facie* to be made from conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Act, Jhanjharpur, District- Madhubani/concerned Court, where the case is pending in connection with Phulparas P.S. Case No. 407 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition that:-

(i) That the petitioner shall not



involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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