

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5922 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- KARAKAT District- Rohtas

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1. Lav Ji Kumar @ Law Kush Kumar, S/o Bipin Paswan @ Bipin Ram
 2. Bipin Ram @ Bipin Paswan, S/o- Late Mudrika Paswan @ Mundrika Ram
Both are resident of village- Amarthia Tola, P.S.- Karakat, District- Rohtas

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashi Kant, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-02-2025 Heard learned counsel for the petitioners
and learned Additional Public Prosecutor for the
State.

2. The accused/petitioners are named in
the FIR and apprehending their arrest in
connection with Karakat P.S. Case No.2 of 2025
registered under Sections 30(a) of the Bihar Excise
and Prohibition Act.

3. Allegation against the petitioners is to
engage in illegal trade/manufacturing of illicit
liquor, where there is recovery of 115 liters of
IMFL/country-made liquor.

4. It is submitted by learned counsel



appearing for the petitioners that the recovery of alleged illicit liquor appears to be made from roof top of the house, which can be access by any person and appears to be an open place. It is submitted that in view of said fact, recovery of illicit liquor cannot be said to be made from conscious physical possession of these petitioners. It is submitted that both the petitioners are men of clean antecedent and moreover during the time of search of premises, the compliance of section 100(4) of the CrPC/under Section 103(4) of the BNSS not appears to be followed, making entire search and seizure doubtful.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from conscious physical possession of above-named petitioners, who are men of clean antecedent, accordingly, both above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court



below within a period of four weeks, on 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 Judge, Excise Court No.1, Rohtas at Sasaram in connection with Karakat P.S. Case No.2 of 2025, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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