

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8816 of 2025

Arising Out of PS. Case No.-936 Year-2024 Thana- MADHEPURA District- Madhepura

Subham Kumar @ Shubham Kumar, S/o Sunil Kumar, Resident of village -
Jharkaha, Police Station – Shankarpur, Dist- Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner
and learned Additional Public Prosecutor for the
State.

2. The accused/petitioner is named in the
FIR and apprehending his arrest in connection with
Madhepura P.S. Case No.936 of 2024 registered
under Section 30(a) of the Bihar Prohibition and
Excise Act, 2022.

3. Allegation against the petitioner is to
engage in illegal trade/manufacturing of illicit
liquor, where there is recovery of 20.1 liters of
IMFL/country-made liquor from the rented house of



petitioner.

4. It is submitted by learned counsel appearing for the petitioner that the alleged recovery appears to be made from the rented house of the petitioner. It is submitted that the house in issue was not searched in compliance of mandatory provisions available under law as per Section 103(4) of the Bhartiya Nagrik Suraksha Sanhita (in short 'BNSS'), which makes entire search and seizure doubtful. It is submitted that petitioner was found involved in one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* appears doubtful from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V-cum-Special Judge Excise-I, Madhepura in connection with Madhepura P.S. Case No.936 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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