

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9122 of 2025

Arising Out of PS. Case No.-616 Year-2024 Thana- KANTI District- Muzaffarpur

Shivshankar Rai S/o Late Kailas Rai R/o vill - Kanti Kushi Station Road,
ward no. 23, P.S. - Kanti, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 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 Kanti P.S. Case

No. 616 of 2024 registered for the offences punishable under

Section 317(5) of the BNS & Section 30 (a) of the Bihar

Prohibition and Excise Act.

3. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 488.52 litres of IMFL/country made

liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor appears to be made from joint house of the petitioner which was occupied by other adult family members. It is submitted that mandatory provision regarding search of premises under Section 103(4) of the BNSS not appears to be followed in the present case. It is submitted that recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner. While concluding the argument it is submitted that petitioner found involved in one more case of different 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 aforesaid 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 Judge, Excise, Court No. II, Muzaffarpur/concerned Trial Court where the case is pending in connection with Kanti P.S. Case No. 616 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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