

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8416 of 2025

Arising Out of PS. Case No.-240 Year-2024 Thana- JALALPUR District- Saran

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1. Bhuwar Nut, S/o Chandrika Nut,
 2. Khuda Nut @ Dhudha Nut, S/o Chandrika Nut,
Both are R/o village - Mangolapur, P. S - Jalalpur, District - Saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-03-2025 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 Jalalpur P.S. Case No.240 of 2024 registered under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioners is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 35 liters of IMFL/country-made liquor from a hut (palani).

4. It is submitted by learned counsel that the recovery of alleged illicit liquor was made from a hut, which



belongs to the petitioners and easily accessible by general public. It is submitted that the hut (palani) in issue also occupied by several other family members and, therefore, a search was required as per provision of Section 103(4) of the Bhartiya Nagrik Suraksha Sanhita (in short 'B.N.S.S.'), which not appears to be followed and in view of same, entire search and seizure appears bad in eyes of law. While concluding argument, it is submitted that petitioner no.1 is a man of clean antecedent and petitioner no. 2 has got one criminal antecedent, where he is on bail.

5. Learned APP opposed the prayer for bail of the petitioners.

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 the petitioners, accordingly, the petitioners, above-named, 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 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Jalalpur P.S. Case No.240 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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