

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9080 of 2025

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

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1. Pankaj Nut
 2. Lalu Nut
 3. Ashok Nut
- All are son of Dinanath Nut, resident of 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 total 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 nos.1 and 2 have got one criminal antecedent, where they are on bail and petitioner no. 3 is a man of clean antecedent.

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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