

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9528 of 2025**

Arising Out of PS. Case No.-205 Year-2024 Thana- JHANJHARPUR District- Madhubani

Md. Samshad @ Kachri @ Samshad @ Mohammad Samshad Son of Kari  
Nut @ Mohammad Anwar R/o - Islampur, P.S - Jhanjharpur, District -  
Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      07-03-2025              Heard learned counsel for the petitioner and learned  
APP for the State.

**2.** The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Jhanjharpur P.S. Case No. 205 of 2024 registered for the offences punishable under Sections 274, 275, 3(5) of the Bhartiya Nyay Sanhita (in short the 'B.N.S.') and section 30(a) of the Bihar Prohibition and Excise Act.

**3.** The allegation against the petitioner is to have in possession of 123.750 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

**4.** Learned counsel appearing on behalf of the petitioner submitted that recovery, as per seizure list, appears



to be made from a ditch situated at the eastern side of the house of Md. Rashid, who is not an accused in this case. It is submitted that merely on the suspicion, name of the petitioner has been disclosed by local chowkidar. It is submitted by learned counsel that recovery of illicit liquor appears to be made from an open place accessible by general public and not from physical possession of this petitioner.

**5.** Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

**6.** In view of the aforesaid factual submissions and by taking note of the fact as illicit liquor *prima-facie* appears not to be made from physical possession of this petitioner, rather from an open place accessible by general public, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani/ concerned court in connection with Jhanjharpur P.S. Case No. 205 of 2024, subject to the



conditions as laid down under Section 438(2) of the  
Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha  
Sanhita (in short “B.N.S.S.”).

**(Chandra Shekhar Jha, J)**

Rajeev/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

