

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11876 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- Excise P.S. District- Samastipur

Raushan Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 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 Excise P.S.

Sadar Case No. 06 of 2025 registered for the offences

punishable under 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 17.28 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the

petitioner submitted that recovery of alleged illicit liquor was



made from the joint house of the petitioner which was occupied by different adult family members. It is submitted that in view of aforesaid occupancy, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that Section 103(4) of BNSS not appears to be followed in the present case, which makes entire search of premises doubtful.

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 appears doubtful from the conscious physical possession of the 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-2, Samastipur/concerned Trial Court



where the case is pending in connection with Excise P.S.
Sadar Case No. 06 of 2025 subject to the conditions as laid
down under Section 438(2) of the Cr.P.C./Section 482(2) of
the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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