

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11831 of 2025

Arising Out of PS. Case No.-740 Year-2024 Thana- RAFIGANJ District- Aurangabad

Manoj Chauhan @ Manoj Kumar Son of Bishawanath Chauhan R/o village-
Nayaki, P.S.- Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan 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 F.I.R. and
apprehending his arrest in connection with Rafiganj P.S. Case No.
740 of 2024, registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 70 litres of IMFL/country made liquor from the house
of petitioner.

4. Learned counsel appearing on behalf of the petitioner
submitted that house in issue from where alleged recovery of illicit



liquor was made is a joint house occupied by different adult family members and, therefore, the alleged recovery of illicit liquor cannot be said to be recovered from conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that the compliance of Section 100(4) of the Cr.P.C./103(4) of BNSS not appears to be followed in present case, which is otherwise mandatory before entering into the search of premises. It is submitted that in view of non-compliance of Section 100(4) of Cr.P.C./103(4) BNSS, the entire recovery in furtherance of the search of alleged premises appears doubtful in itself.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as *prima facie* recovery of illicit liquor appears doubtful from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Addl. Sessions Judge-cum-Exclusive Special Excise Court No. I, Aurangabad/concerned Court, where the case is pending in connection with Rafiganj P.S.



Case No. 740 of 2024, subject to the conditions as laid down
under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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