

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14927 of 2025

Arising Out of PS. Case No.-334 Year-2024 Thana- SHAMBHUGANJ District- Banka

Manish Kumar @ Manish Kumar Singh S/O Pappu Kumar Singh R/O
Village- Baidhpur, P.S- Shambhuganj, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Kumar Kamal Nayan, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shambhuganj P.S. Case No. 334 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 31.875 litres of IMFL.

4. It is submitted by learned counsel for the petitioner that the recovery of alleged illicit liquor appears to be made from the joint house of the petitioner which is



occupied by different adult members of the family and therefore it can be safely gathered that alleged recovery was not made from the conscious physical possession of this petitioner. 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 *qua* search of premises and therefore entire search and seizure in connection with present case appears bad in eyes of law. It is further submitted that the petitioner found involved in one more criminal case but same is of different nature, where petitioner is on bail.

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner, accordingly above-named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Spl. Judge Exclusive Excise Court 2, Banka /concerned Court, where the case is pending in connection with Shambhuganj P.S. Case No. 334 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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