

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 14954 of 2025

Arising Out of PS. Case No.-13 Year-2025 Thana- SUPAUL District- Supaul

Rajesh Kumar Yadav @ Rajesh Yadav S/o Late Kishan Yadav R/o vill -
Piprahi, ward no. 14, P.S. and Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, 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 Prohibition P.S. Sadar
Supaul P.S. Case No. 13 of 2025, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016 (as amended in 2018).

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 13.530 litres of IMFL/country made liquor from the
cowshed of petitioner.

4. Learned counsel appearing on behalf of the petitioner



submitted that alleged illicit liquor appears to be recovered from the cowshed of the petitioner. In this context, it is pointed out that being a premises, the compliance of mandatory provisions as available under Section 103(4) of BNSS not appears to be followed, making entire search and seizure doubtful. It is submitted that the alleged cowshed was accessible by different family members and, therefore, in view of same, recovery of illicit liquor cannot be said to be made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of alleged 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 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 Special Exclusive Excise Court no. 2, Supaul/concerned Court, where the case is pending in connection



with Prohibition P.S. Sadar Supaul P.S. Case No. 13 of 2025,
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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