

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17327 of 2025

Arising Out of PS. Case No.-801 Year-2022 Thana- MADHAURAH District- Saran

Chhullahan Nut @ Chulhan Nut Son of Late Banu Nut Resident of Village-
Pakahan, P.s.- Marhowrah, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv

For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-05-2025 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 Marhowrah

P.S. Case No. 801 of 2022 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 5 litres of IMFL/country made liquor.

4. Learned counsel appearing on behalf of the



petitioner submitted that recovery of alleged illicit liquor appears from the house of petitioner, which is occupied by different adult family members. It is further submitted that compliance of Section 103(4) of the BNSS not appears followed in the present case making entire search and seizure doubtful. It is further submitted that recovery not appears to be made from the conscious possession of this petitioner, who is a man of clean antecedent.

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 not appears to be made from the conscious physical possession of this 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 2nd Exclusive Special Excise Judge, Saran at Chapra/concerned Trial Court



where the case is pending in connection with Marhowrah P.S.
Case No. 801 of 2022 subject to the conditions as laid down
under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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