

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20546 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Hemjapur District- Munger

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Dilip Rai S/O Late Narayan Rai R/O Village- Shivkund, P.S- Hemjapur,
Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 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 Hemjapur P.S. Case
No. 05 of 2025, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 50 litres of IMFL from the field.

4. Considering the submission and perusal of record, it
appears that illicit liquor recovered from an open field, denying



prima facie recovery of illicit liquor from conscious physical possession of this petitioner. Petitioner said to be involved in two more criminal cases but of different 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 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 Judge Excise-1, Munger/concerned Court, where the case is pending in connection with Hemjapur P.S. Case No. 05 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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