

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18472 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- SHERGHATI District- Gaya

Manoj Bhuiyan @ Manoj Manjhi, S/o Videshi Bhuiyan, R/o Nawadah Bhui
Toli, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Sinha, Advocate Amisha Prakash, Advocate Andlib Imrose, Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Sherghati P.S. Case No.5 of 2025 registered under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of five liters of IMFL/country-made liquor from his house.

4. It is submitted by learned counsel appearing for the petitioner that the house in issue appears occupied by



adult members of family also and therefore, it cannot be said that the recovery of alleged illicit liquor appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is submitted that while searching the premises/house of the petitioner, the compliance of Section 103(4) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'B.N.S.S.') not appears to be followed, which is otherwise mandatory before searching premises.

5. Learned APP opposed the prayer for bail of petitioner.

6. In view of aforesaid factual and legal submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-



V, Gaya in connection with Sherghati P.S. Case No. 05 of
2025, subject to the conditions as laid down under Section
438(2) of the CrPC./under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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