

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18326 of 2025

Arising Out of PS. Case No.-215 Year-2024 Thana- VISHNUPAD District- Gaya

Ajay Sharma @ Ajay Kumar Sharma S/o Late Ram Sharan Sharma Resident
of Mohalla- Ray Shital Prasad Road, P.S.- Kotwali, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, 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 Vishnupad

P.S. Case No. 215 of 2024 registered under Section 30(a)

of the Excise Act.

3. The allegation against the petitioner is to

involve in illegal trade of illicit liquor and as such he was

alleged to be found in possession of 42.45 litres of Indian

made foreign liquor (IMFL), which alleged further to be

recovered from his house.

4. It is submitted by the learned counsel for the



petitioner that the recovery of the illicit liquor was not made from the house of the petitioner. It is submitted that the alleged house does not belong to this petitioner and mere on the basis of heresay input he was implicated with present case as house in issue belongs to this petitioner. It is submitted that apparently recovery of illicit liquor was not made from his physical possession and moreover the compliance of 103(4) of B.N.S.S. does not appears to be followed in the present case which is mandatory before entering into search of any premises. The petitioner is said to be a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of the above-mentioned factual submission, and by taking note of the fact that recovery of illicit liquor not appears to be made *prima facie* from the conscious possession of the petitioner who is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, 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 court of Exclusive Special Excise Court No. 4, Gaya in connection with Vishnupad P.S. Case No. 215 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the B.N.S.S.

(Chandra Shekhar Jha, J)

Siddharth Soni/-

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