

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22608 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- ROSERA District- Samastipur

Shola Kant Singh @ Nandu Mandal @ Nandu Son of Kalee Kanta Singh @
Kalee Kanta Mandal Resident of Ward no. 10, Fattepur, Motipur, P.S. - Rosra,
District - Samastipur, Bihar - 848210

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Adv.

Mr. Yash Sahay, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2025

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Rosra P.S. Case No. 38 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended).

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 3.615 litres of country made liquor.

4. It is submitted by learned counsel appearing



on behalf of the petitioner that the recovery of illicit liquor appears to be made from outside of the ancestral house of the petitioner which is an open place accessible by general public, therefore, it can be safely said that alleged recovery was not made from the physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in two more criminal case of similar nature, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission 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 rather from an open field, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Exclusive Special Judge



Excise I, Samastipur/concerned Court, where the case is pending in connection with Rosra P.S. Case No. 38 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS., subject to condition:-

(i) That petitioner shall not involve/indulge in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

