

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22601 of 2025

Arising Out of PS. Case No.-160 Year-2024 Thana- Panapur District- Muzaffarpur

Rajan Tiwari @ Rajan Kumar Tiwari Son of Ram Pukar Tiwari Resident of
village - Ashagar, P.S.- Panapur Kariyat, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Smita Shreeyash, Advocate
		Mr.Arbind Kumar Choudhary, Advocate
For the Opposite Party/s	:	Mr.Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Panapur Kariyat P.S. Case No. 160 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of 95.250 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that as per seizure list the illicit liquor appears to be recovered from the house of this petitioner. It is



pointed out that house of petitioner occupied by different adult family members and moreover, petitioner at the relevant time of raid was in Gurgaon in connection with his professional engagement and implicated only being a member of the family and, therefore, it cannot be said that alleged recovery was made from conscious physical possession of this petitioner. It is submitted that compliance of Section 103(4) of the B.N.S.S. also not appears to be followed in the present case, which is mandatory legal provisions regarding search of house/premises and, therefore, entire search and seizure in issue appears doubtful. Petitioner claimed to be a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of alleged illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this



order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Muzaffarpur, in connection with Panapur Kariyat P.S. Case No. 160 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”) and further condition:

(i) That petitioner shall not indulge in similar nature of case 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)

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