

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22876 of 2025

Arising Out of PS. Case No.-1339 Year-2024 Thana- MADHEPURA District- Madhepura

Dilkush Kumar @ Babra S/o- Raghu Yadav Village- Sabella Ps- Saur Bazar
Pastpar Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Madhepura (Bharrati) P.S. Case No. 1339 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 52.500 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 an open place i.e., paddy field which is 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 one 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 and legal 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 Addl. District and Sessions Judge – V cum Special Judge Excise



I, Madhepura /concerned Court, where the case is pending in connection with Madhepura (Bharrati) P.S. Case No. 1339 of 2024, 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)

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