

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22766 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- Excise P.S. District- Sheikhpura

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1. Lalmohan Chaudhary Son of Late Harichandra Chaudhary village-chakandara, Ps- chewada, Dist- Sheikhpura
 2. Ghanshyam Chaudhary son of Late HariChandra Chaudhary village-chakandara, Ps- chewada, Dist- Sheikhpura

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Excise P.S. Case No. 86 of 2025 registered for the offences punishable under Sections 30(a), 45(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners is to have in possession of five litres of illicit liquor and half prepared country made liquor and also engaged in illegal trading/manufacturing of illicit liquor.



4. Learned counsel appearing on behalf of the petitioners submitted that recovery of household items like utensils and gas stove cannot be ground to believe that petitioners were involved in manufacturing activities of country made liquor. It is submitted that aforesaid articles were recovered from '*Angan*' of the house of the petitioners, which is occupied by different adult family members, where compliance of Section 103(4) of B.N.S.S. not appears to be followed, while searching of premises, making entire seizure and search doubtful on its face. Petitioner no. 1 said to be involved in two cases of similar nature, where he is on bail and, petitioner no. 2 is a man of clean antecedent.

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

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor and utensils *prima-facie* cannot said to be recovered from conscious physical possession of petitioners, therefore, both



above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura, in connection with Excise P.S. Case No. 86 of 2025, 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.”).

(i) That petitioners shall not indulge in similar nature of case till the conclusion of trial, failing which the State/prosecution shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the both above-named petitioners.

(Chandra Shekhar Jha, J)

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