

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21970 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- Excise P.S. District- Samastipur

Awadhesh Ray @ Awadhesh Kumar Ray Son of Tejan Ray @ Tejnarayan Rai
R/o Village- Sarariranjan Ward No. 3, P.S.- Sarariranjan, District- Samastipur
... .. Petitioner

Versus

The State of Bihar Patna
... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2025 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 Excise (Sadar) P.S. Case No. 69 of 2025 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 9.750 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor appears to be made from the house of this petitioner which



appears occupied by different adult family members and, therefore, it can be safely said that recovery of illicit liquor was not made from physical possession of this petitioner. It is pointed out that compliance of Section 103(4) of the B.N.S.S. not appears to be followed in the present case, which is, otherwise, mandatory for search any house/ premises. It is submitted that in want of same, entire search and seizure become doubtful. While concluding argument, it is submitted by learned counsel that petitioner found involved in one more criminal case of similar nature, in which he is on bail.

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 illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, 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, Excise-II, Samastipur, in connection with Excise (Sadar) P.S. Case No. 69 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 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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