

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28813 of 2025**

Arising Out of PS. Case No.-386 Year-2024 Thana- DAWATH District- Rohtas

Mithilesh Singh @ Mithlesh Kumar @ Mithlesh Kumar Singh S/o Late  
Ramashish Singh Resident of Village- Fatehganj, PS- Dawath, District-  
Rohatas at Sasaram

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Chhote Lal Mishra, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      07-05-2025              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 Dawath P.S. Case No. 386 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 6 litres of country made illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

**4.** Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of this petitioner, which is being occupied by different adult members of the family and, therefore, it can be



safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that compliance of Section 103(4) of B.N.S.S. not appears complied in present case, which is otherwise mandatory legal provision before searching any premises. It is submitted that in view of same, entire search and seizure appears doubtful. However, petitioner said 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 illicit liquor *prima-facie* not appears to be made from conscious 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 Special Judge, Excise-I, Rohtas at Sasaram, in connection with



Dawath P.S. Case No. 386 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.”).

**(Chandra Shekhar Jha, J)**

Rajeev/-

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