

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33412 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- DESARI District- Vaishali

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1. Aman Kumar, S/o- Sudarshan Rai
 2. Suman Kumar, S/o- Sudarshan Rai
- Both are resident of Village- Gauspur Izra, P.S- Hajipur Sadar, Dist- Vaishali
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dharendra Prasad Sinha, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Desari
(Sahdei) P.S. Case No.69 of 2025 registered under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is
recovery of 15.210 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel for the

petitioners that the recovery of illicit liquor was made from



the joint house of the petitioners, which is occupied by the different family members. It is submitted that the mandatory compliance of Section 103(4) of the Bhartiya Nargirk Suraksha Sanhita, 2023, not appears to be followed in present case, making entire search and seizure doubtful on its face. The petitioners are said to be men of clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioners.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of this petitioners, who are the men of clean antecedent, accordingly, the petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-1-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Desari (Sahdei) P.S. Case No. 69 of



2025, subject to the conditions as laid down under Section
438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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