

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33120 of 2025

Arising Out of PS. Case No.-35 Year-2025 Thana- AMNAUR District- Saran

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Santosh Nut son of Lalk Nut village - Kaituk Lachhi, P. S - Amnaur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-05-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Amnour P.S. Case No. 35 of 2025 registered for the offences punishable under Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 45 liters of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that as per seizure list the recovery of illicit liquor was made from borewell bush which is an open place and accessible by general public. It is submitted that as borewell is of petitioner therefore he was implicated with



present well having otherwise no connection. It is submitted that in view of recovery it can be safely said that alleged illicit liquor was not made from the physical possession of this petitioner who is a man of clean antecedent.

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 who is a man of clean antecedent, 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 1st Exclusive Special Excise Court, Saran at Chapra/ concerned Court, where the case is pending in connection with Amnour P.S. Case No. 35 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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