

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33179 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- HISUWA District- Nawada

Vishal Kumar S/o Ram Prasad Yadav R/o Village- Tilaiya Bigha, P.O.- Hisua,
P.S.- Hisua, Distt.- Nawada- 805103. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Hisua P.S. Case No. 151 of 2025, registered for

the offences punishable under Section 30(a) of the Bihar

Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 58.125 litres of IMFL/country made liquor from the

place of occurrence.

4. It is submitted by learned counsel appearing for the

petitioner that recovery appears to be made from three different

places, which is firstly behind the house of the petitioner, secondly,

near to house of petitioner and third, near to one water logging



area (Pain). It is pointed out that all area of recovery appears open place, accessible by general public and, therefore, it can be safely said that recovery was not made from conscious physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances, as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Exclusive Special Excise Court-I, Nawada/concerned Court, where the case is pending in connection with Hisua P.S. Case No. 151 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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