

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33310 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- HISUWA District- Nawada

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Karu Rajbanshi S/O Naresh Rajbanshi R/O Vill - Mahadev, P.S - Hisua, Dist - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Birendra Kumar

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025

Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Hisua P.S. Case No. 76 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 5 liters of country made liquor and 225 liter sweet solution.

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 house of the



petitioner which is occupied by different adult family members. It is submitted that in view of aforesaid it can't be said that recovery of alleged illicit liquor was made from the physical possession of this petitioner. It is also pointed out that the compliance of 100(3) of BNSS not appears to be followed in present case making entire search and seizure doubtful on its face. While concluding argument it is submitted that petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual 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, 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
Exclusive Special Excise Judge 1st Nawada/ concerned
Court, where the case is pending in connection with Hisua
P.S. Case No. 76 of 2025, subject to the conditions as
laid down under Section 482(2) of BNSS, subject to
further condition:-

*“(i) That petitioner shall not
involve in the similar nature of offence
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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