

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54513 of 2025

Arising Out of PS. Case No.-328 Year-2025 Thana- PAROO District- Muzaffarpur

Kundan Kumar Son of Jainath Ray @ Jaynath Ray Resident of Village -
Bhikhanpura, P.S.- Paru, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2025 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Paru P.S. Case No. 328 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022 (Amended).

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 5.430 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor appears to be recovered from an open area i.e., bamboo grove located behind the house of this petitioner which is accessible by general public,



therefore, it can be said safely that recovery was not made from conscious physical possession of the petitioner, who is a man of clean antecedent.

6. Learned APP, opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of fact as *prima-facie* recovery of illicit liquor 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 Judge Excise II, Muzaffarpur/concerned Court, where the case is pending in connection with Paru P.S. Case No. 328 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

Sudha/-

U		T	
---	--	---	--

