

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56943 of 2025

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

Uttam Rajbanshi @ Uttam Kumar S/o- Jago Rajvanshi, Resident of village-
Khanpur, P.O.- Chhatiahr, P.S.-Hisua District- Nawada, Bihar..... Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Barial, Advocate

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-08-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

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 Bihar Prohibition and Excise Act, 2016.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 8 liters of country made liquor and 120 liters of Mahua
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, where he is on bail.

5. Learned APP opposed 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 Court-I, 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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