

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87514 of 2024

Arising Out of PS. Case No.-74 Year-2022 Thana- PHULWARISHARIF District- Patna

Santosh Chauhan @ Santosh Kumar S/o- Dasrath Chauhan Resident of
Village- Noniya Tola, Ps- Phulwarisharif, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Phulwarisharif P.S.
Case No. 74 of 2022, registered for the offences punishable under
Sections 30(a), 30(C), 32(ii), 36 of the Bihar Excise and
Prohibition Act.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 115 litres of IMFL/country made liquor from the hut.

4. Learned counsel appearing on behalf of the petitioner
submitted that the hut in issue from where the alleged illicit liquor
was said to be recovered not belongs to this petitioner. It is



submitted that compliance of Section 100(4) of the Cr.P.C./103(4) of BNSS also not appears to be followed in present case and in absence of which, it cannot be said that the recovery of alleged illicit liquor was made from conscious physical possession of this petitioner. It is pointed out that petitioner involved in two more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the recovery of alleged illicit liquor appears *prima facie* doubtful 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 Special Judge Excise Act, 1st, Patna/concerned Court, where the case is pending in connection with Phulwarisharif P.S. Case No. 74 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further conditions that:-

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



conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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