

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1402 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- Raghunathpur District- East Champaran

Subhash Kumar @ Subhash Kumar Sahani, S/o Rajeshwar Sahani, R/o
Village- Sapahi Britiya, P.S- Raghunathpur, Dist- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Raghunathpur P.S.
Case No.99 of 2024 registered under Sections 30(a) & 41(1)
of the Bihar Prohibition and Excise (Amendment) Act.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 90 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the
recovery of alleged illicit liquor not appears to be made from
conscious physical possession of the petitioner rather the
same was recovered from the bank of Britya Dhanoti river,
which is open place and accessible to general public. It is



pointed out that name of petitioner transpired on the basis of disclosure made by local Choukidar. It is pointed out that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner rather from an open place, which is accessible by general public, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on 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 Court No.1, East Champaran, Motihari in connection with Raghunathpur P.S. Case No.99 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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