

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1254 of 2025

Arising Out of PS. Case No.-355 Year-2024 Thana- BAIRIYA District- West Champaran

Mukesh Yadav @ Mukesh Kumar Yadav S/O Dasai Yadav R/O Vill-
Dumariya P.S.- Bairiya Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Bairiya P.S. Case No. 355 of 2024 registered for the offences punishable under Sections 274, 275 of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 3.250 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor was found recovered from the Almirah of a house which falls under the joint occupation of different adult family members. It is submitted that compliance of Section 103(4) of the B.N.S.S. not appears to be followed in the present case and the fact *qua* recovery clearly suggests on its face that the recovery of illicit liquor appears doubtful from the conscious physical possession of the petitioner.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as *prima-facie* recovery of illicit liquor appears doubtful from conscious physical possession of the petitioner, where petitioner is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties



of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Bettiah, West Champaran/concerned court in connection with Bairiya P.S. Case No. 355 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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