

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9664 of 2026**

Arising Out of PS. Case No.-236 Year-2025 Thana- BRAHMPUR District- Buxar

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Birendra Chaudhary S/o Banvari Chaudhary Resident of Village- Gayghat,  
P.S.- Brahampur, District- Buxar. ... .. Petitioner/s

Versus

The State of Bihar. ... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Akhilesh Kr Pandey, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      17-02-2026                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor appearing on  
  
behalf of the State.

2. The accused/petitioner apprehending his arrest in  
connection with Brahampur P.S. Case No. 236 of 2025 registered  
for the offences punishable under Section 30(a) of the Bihar  
Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 34 litres of IMFL/Mahua liquor from the house.

4. Learned counsel appearing on behalf of the petitioner  
submitted that the alleged recovery appears to be made from the  
house which is not connected in any manner with this petitioner. It  
is further submitted that the compliance of Section 100(4) of  
Cr.P.C. not appears to be followed in present case regarding



search of premises. It is further submitted that alleged house not belongs to this petitioner, and as such, it can be safely said that recovery of alleged illicit liquor not appears to be made from his conscious physical possession, who is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, 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 Exclusive Special Excise Court No. 2, Buxar/concerned Court, where the case is pending in connection with Brahampur P.S. Case No. 236 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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