

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33269 of 2026

Arising Out of PS. Case No.-995 Year-2025 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Bholu Thakur @ Aditya Kumar @ Aditaya Kumar Son of Rajiv Thakur @ Rajiv Kumar Resident of Village- Rup Patahi, P.S.- Sadar, District- Muzaffarpur
 2. Golu Thakur @ Ankit Kumar Son of Rajiv Thakur @ Rajiv Kumar Resident of Village- Rup Patahi, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Bela Singh, Advocate
For the Opposite Party : Mr.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR

and apprehending their arrest in connection with Muzaffarpur

Sadar P.S. Case No.995 of 2025 registered under Section

30(a) of Bihar Prohibition and Excise Act.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 1114 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioners that the name of these petitioners arrayed



only for the reason that these petitioners are Joint owner of the family house. It is also submitted that the petitioners were not present at the place of occurrence where alleged illicit liquor was recovered. It is also submitted that recovery of illicit liquor was not made from conscious possession of these petitioners. It is further argued that the requirement of Section 103(4) of the BNSS has not been complied with, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Explaining criminal antecedent, it is submitted that the petitioner no. 1 claimed clean antecedent and petitioner no. 2 found involved in 1 more criminal case, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioners.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of these petitioners, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below



within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Court Excise-1, Muzafarpur, in connection with Muzaffarpur Sadar P.S. Case No.995 of 2025, 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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