

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36732 of 2026**

Arising Out of PS. Case No.-27 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Bhola Chaudhary S/o Lakshman Chaudhary, Resident of Village- Sultanpur
Chakharihar, P.S.- Patepur, District-Vaishali. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

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

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

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

2 08-06-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in FIR and apprehending his arrest in connection with C-2 A. No. 27/2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 10 litres of IMFL/country made chulai and 100 Kg of Gur from the hut.

4. Learned counsel appearing on behalf of the petitioner submitted that the hut in issue, from where alleged recovery of illicit liquor was made is not connected in any manner with this petitioner. It is pointed out that mandatory provisions of Section 105 of BNSS regarding search of the premises was also



not appears followed in present case.

5. While explaining criminal antecedent, it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

6. Learned APP opposed the prayer of bail.

7. 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, 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 Anany Special Prohibition & Excise Court No. II-cum-District and Additional Sessions Judge, Hajipur, Vaishali/concerned Court, where the case is pending in connection with C-2 A. No. 27/2021, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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