

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41567 of 2026

Arising Out of PS. Case No.-191 Year-2026 Thana- SAHARSA SADAR District- Saharsa

Rituraj Kumar @ Rituraj Kumar Paswan Son of Chandrakishore Paswan
Resident of Village- Sarahi, Paswan Tola, Ward No. 03/11, P.S.- Sadar
(Saharsa), District- Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-07-2026 At the outset, learned counsel for the petitioner submitted that he has removed defect no. 1 & 3. In this regard, he has submitted the documents qua removal of aforesaid defects across the Board.

2. So far as defect No. 2 is concerned, the same be ignored for the present.

3. Heard learned counsel for the petitioner and learned APP for the State.

4. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Saharsa Sadar P.S. Case No. 191 of 2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

5. The allegation against the petitioner is to have in possession of **122 litres** of illicit liquor and engaged in illegal



trading/manufacturing of illicit liquor.

6. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was not made from conscious possession of this petitioner as same appears to be recovered from the joint house of the petitioner, which is occupied by different adult members. It is submitted that the mandatory provision of law regarding search in view of section 103(4) of the B.N.S.S. not appears to be followed in the present case. While explaining criminal antecedent, it is submitted that petitioner is a man of clean antecedent.

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

8. In view of the 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 this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, 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)-II, Saharsa/concerned court in connection with Saharsa Sadar P.S.



Case No. 191 of 2026, 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)

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