

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43056 of 2026

Arising Out of PS. Case No.-63 Year-2026 Thana- BELDOUR District- Khagaria

Deepak Kumar, S/o Chitnarayan Prasad Yadav @ Chitranjan Yadav, Resident
of Village- Belanawad @ Bela Nauwad, P.S.- Bealdaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amit Prakash, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Beldaur P.S. Case No.63 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise (Amended) Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 25 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from the house of the petitioner. It is further submitted that no



recovery has been effected from the conscious and exclusive possession of the petitioner, and there is no material on record to establish his conscious possession of the alleged illicit liquor. It is argued that Section 103(4) of BNSS has not been complied with qua search of premises, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. It is also pointed out that the name of the petitioner surfaced due to previous enmity. The petitioner has one criminal antecedent of similar nature, in which, he is on bail.

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

6. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Begusarai in connection with Beldaur P.S. Case No.63 of 2026, 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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