

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40075 of 2026

Arising Out of PS. Case No.-148 Year-2026 Thana- PALASI District- Araria

Chhotu Sah @ Rajesh Sah, S/o Nagina Sah, R/o village - Balua Kaliyaganj,
Ward No. 13, P.S.- Palasi, Distt.- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2026 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 Palasi P.S. Case No.148 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 8.4 liters of IMFL/Nepali liquor from the house of petitioner.

4. It is submitted by learned counsel that recovery was made from the house, occupied by different adult family members and, therefore, it can be safely said that recovery of illicit liquor was not made from physical possession of this



petitioner. It is submitted that mandatory provision regarding search of a premises appears not followed by the police during search as provisioned under Section 103(4) of the BNSS. The petitioner claimed clean antecedent.

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

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious 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 District and Additional Sessions Judge-cum-Exclusive Special Judge Excise-II, Araria in connection with Palasi P.S. Case No.148 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.)

Sanjeet/-

U		T	
---	--	---	--

