

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40778 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- DHANSOI District- Buxar

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MITRA DEVI S/O BHUTELE CHOUDHARY R/O VILLAGE-
KHARAHANA PEDIYA TOLA, PS- DHANSOIN, DISTRICT- BUXAR

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 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 Dhansoi P.S. Case No.46 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Act, 2018.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 2 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the recovery of liquor was made from *husk house* of petitioner. The recovery was made from an



open and public place accessible by general public. The name of this petitioner arrayed solely on the disclosure made by the local chowkidar. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. 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 found involved in one criminal case, where 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 the 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 Exclusive Special Judge Excise, Court No. 1 at Buxar in connection with Dhansoi P.S. Case No.46 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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