

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44823 of 2026

Arising Out of PS. Case No.-218 Year-2026 Thana- FORBESGANJ District- Araria

Tallu Soren, Son of Late Jaitha Soren @ Jeetha Soren, R/o Village-Naya Nagar, Madhura Tiraskund, Musahri Tola, Ward No.-15, P.S.-Forbesganj, District-Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 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 Forbesganj P.S. Case No.218 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 (Amended).

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 10 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for petitioner that the recovery of alleged illicit liquor was not made from conscious physical possession of this petitioner rather from the house, which is a joint property and under



joint possession of his co-sharer including cousin brother and, therefore, it can be said safely that the recovery of illicit liquor was not made from conscious possession of this petitioner. It is submitted 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. 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 alleged illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, who is aman of clean antecedent, 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-1st, Araria in connection with Forbesganj P.S. Case No.218 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	
---	--	---	--

