

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43540 of 2026

Arising Out of PS. Case No.-229 Year-2026 Thana- BIRAUL District- Darbhanga

Jaidev Sahu @ Jaydev Kumar Sahu, S/o Prem sahu R/o Haat Gachhi, P.o.-
Biraul, P.s.- Biraul, Distt.- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Jyoti Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-07-2026 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 Biraul P.S. Case No.229 of 2026 registered under Sections 30(a) and 41 of the 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 10.70 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 hut 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 the village politics and local rivalry. 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 Exclusive Special Judge-II (Excise Act), Darbhanga in connection with Biraul P.S. Case No.229 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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