

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44884 of 2026

Arising Out of PS. Case No.-75 Year-2026 Thana- EXCISE ROSERA District- Samastipur

Yashwant Kumar Mahto @ Yashwant Kumar, Son of Kusheshwar Mahto,
Resident of Village- Dumariya, Ward No. 7, P.S.- Vibhutipur, District-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Sweta Suman, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 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 Rosera Excise P.S. Case No.75 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 16.760 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 a house, which is a joint family property. 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 village politics. 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 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, who is a man 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 Excise Judge-II, Samastipur in connection with Rosera Excise P.S. Case No.75 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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