

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46224 of 2026

Arising Out of PS. Case No.-127 Year-2026 Thana- JAMHOR District- Aurangabad

Dilip Choudhary @ Dilip Chaudhiri, Son of Rameshwar Choudhary, Resident
of Village- Shantipur, P.S.- Jamhor, District- Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tooba Hera, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR
and apprehending his arrest in connection with Jamhor P.S.
Case No.127 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 9.75 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 house 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 solely on the basis of suspicion. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case of similar nature, 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 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-II, Aurangabad in connection with Jamhor P.S. Case No.127 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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