

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47403 of 2026

Arising Out of PS. Case No.-177 Year-2026 Thana- Gaura P.S. District- Saran

Kundan Nut, Son of Bhushan Nut, R/o Village - Masaha, P.S.- Gaura, District
- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-07-2026 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 Gaura P.S. Case No.177 of 2026 registered under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 37 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for petitioner that the recovery of alleged illicit liquor was made from back side of the house of the petitioner and from the bushes, which is an open place and accessible to general



public and, therefore, it can be safely said that the recovery of illicit liquor was not made from conscious physical possession of this petitioner. It is submitted that the seizure list was not supported by independent witnesses rather by police personnel. While concluding argument, it is submitted that the 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 of 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 Court of 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Gaura P.S. Case No.177 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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