

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20940 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- PIPRA District- East Champaran

Sanjay Rai @ Sanjay Kumar Son of Ram Pravesh Rai Resident of Village-
Kishunpur Ward No. 05, P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Piprakothi P.S.

Case No. 18 of 2025 registered for the offences punishable

under Sections 30 (a) and 41(1) of the Bihar Prohibition and

Excise Act.

3. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor, where,

there is recovery of 500 litres of spirit.

4. Learned counsel appearing on behalf of the



petitioner submitted that from the perusal of seizure list it transpires that spirit like substance was recovered. It is pointed out that no chemical test was conducted to ascertain, whether recovered substance was spirit and merely on the basis of suspicion, petitioner was implicated with the present case. It is submitted that recovery appears to be made from the bathroom situated outside the house, which is accessible by general public and, therefore, mischief by unknown person cannot be ruled out. It is also submitted that house from which spirit was recovered was occupied by other adult family members, where compliance of Section 103(4) of the BNSS not appears to be followed, which is otherwise legal mandate before searching any premises. It is also submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the accusations in totality and also as recovery not appears to be made prima-facie from the conscious physical possession of this petitioner, accordingly



the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, East Champaran, Motihari/concerned Trial Court where the case is pending in connection with Piprakothi P.S. Case No. 18 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of the BNSS with further condition:-

(i) Learned Exclusive Special Excise Judge, Court No. 1, East Champaran, Motihari is directed to verify the criminal antecedent of petitioner in view of his claim as he is man of clean antecedent. If claim of petitioner found invalid bail bond of petitioner shall not be accepted.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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