

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64698 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- Bikramganj Excise District- Rohtas

Raj Kumar @ Raj Kumar Sah, S/o- Jhunnilal Sah, resident of Village-
Thakurai Parsiyan, P.S.- Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Bikramganj Excise P.S. Case No. 162 of 2025 registered for the offences punishable under Sections 30(a)/62 of the Bihar Prohibition and Excise Act, 2018.

3. The allegation against the petitioner is of involved in selling of illicit liquor, the police conducted raid in a semi constructed house, which is said to be in possession of co-accused Malti Devi. In course of search, 30 litres of country made liquor, besides 200 Kg Jawa Mahua flower and other utensils were recovered.

4. Learned Advocate for the petitioner taking this Court through the search and seizure memo has submitted that the alleged recovery has been made from a semi constructed



house, which is not used for the purpose of habitation. The petitioner has nothing to do with the house, in question, nor with the alleged recovered illicit liquor and only on account of one criminal antecedent of identical nature that too of the year 2017, his name has been implicated in this case. There are various other infirmities in the search and seizure, besides non-compliance of prescription provided under Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the recovery from the house of the petitioner clearly bars the anticipatory bail in terms of Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the materials available on record, especially the fact that the alleged recovery has been made from a semi constructed house, which is not used for habitation, coupled with the other infirmities in the search and seizure, and the absence of the materials, which attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender



before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Rohtas at Sasaram in connection with Bikramganj Excise P.S. Case No. 162 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

