

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16932 of 2026

Arising Out of PS. Case No.-55 Year-2026 Thana- GORAU District- Vaishali

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Dipak Kumar Sahni @ Dipak Kumar S/o Raghunath Sahani Resident of
Village- Rusulpur Daud, P.S.- Goraul (Kathara), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Goraul (Kathara O.P.) P.S. Case No. 55 of 2026, registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition & Excise (Amendment) Act, 2022.

3. As per allegation, 521.25 liters of foreign liquor
was recovered from the house of the petitioner.

4. The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated.
Nothing has been recovered from his conscious physical
possession. The allegation against him is fabricated and
concocted.

5. On the other hand, the learned APP for the State has



opposed the prayer for bail.

6. Considering the fact that the petitioner was not apprehended on the spot and therefore no recovery has been made from his conscious physical possession and also giving the fact that the search and seizure memo has not been signed by two independent witnesses, thereby putting a question mark on the legality and validity of the seizure itself, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged 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 learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 55 of 2026, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/trial.

(ii) The learned Court below would, however, verify



the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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