

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18070 of 2026

Arising Out of PS. Case No.-106 Year-2025 Thana- Bahoranpur District- Bhojpur

Manish Thakur S/o Late Sunil Thakur Resident of Village- Chakki Nauranga,
P.S.- Bahoranpur, District- Bhojpur,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bahoranpur P.S. Case No.106 of 2025, F.I.R dated 23.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, In brief, the prosecution case is that on 23.10.2025, during evening patrol, the informant received secret information that the petitioner, Manish Thakur, was engaged in the purchase and sale of liquor outside his house at village Chamarpur. Acting on the information and after informing higher officials, the informant, along with Mahal Chowkidar Prabhans Rai and the police team,



proceeded to the spot and found one person near the petitioner's house concealing certain articles kept on the ground. On seeing the police, the said person fled and, despite an attempt to apprehend him, escaped by taking advantage of darkness, bushes, and flood water, though he was identified in the bulb light by the Mahal Chowkidar as the petitioner. Thereafter, in presence of police personnel, 4.32 litres of foreign liquor was recovered from the place and seized, and a seizure list was prepared accordingly.

4. Learned counsel for the petitioner submits that the recovery has been made outside the house of the petitioner, which is an open space, which is accessible to all. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under Section 103 of the B.N.S.S. Act. Lastly, it has been submitted that the petitioner has one criminal antecedent in which he is on bail and is ready to abide by the terms and conditions in case the privilege of anticipatory bail is extended in their favour.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the



parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and there is violation of mandatory provisions of Section 103 of the B.N.S.S. Act, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Judge, Excise Act, Court No.1, Bhojpur, Ara, in connection with Bahoranpur P.S. Case No.106 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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