

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24260 of 2026

Arising Out of PS. Case No.-54 Year-2026 Thana- PATEPUR District- Vaishali

Rajan Sahani Son of Satrudhan Sahani Resident of village-Malikana
Khesrahi, Ps- Patepur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shabina Talat

For the Opposite Party/s : Ms.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 03-06-2026 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

2. The petitioner apprehends his arrest in connection with Patepur P.S. Case No. 54 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip off regarding trade and storage of illicit wine, the police conducted raid in a bamboo orchard. In course of search, total 9.375 litres Indian made foreign liquor was recovered. The local residents and the Chowkidar disclosed the name of the petitioner as being involved in such activities.

4. Learned Advocate for the petitioner submitted that admittedly the alleged recovery has been made from a bamboo orchard, which is an open place easily accessible to all and, as



such, any recovery of illicit wine from that place cannot make the petitioner responsible. Only on account of past criminal antecedent, as has been disclosed in para-3, the name of the petitioner has been implicated in this case. Moreover, there is complete defiance of Sections 103 and 105 of the BNSS. Since no recovery has been made from the conscious or constructive possession of the petitioner, the rigors provided under Section 76 of the Bihar Prohibition and Excise (Amendment) Act is also not attracted, is the contention of the learned Advocate.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioner bears five criminal antecedent of identical nature, besides the present one and the local people and the Chowkidar disclosed the name of the petitioner, who has been found indulge in such activities.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the defiance of provisions as provided under Sections 103 and 105 of the BNSS; moreover mere criminal antecedent of a person cannot be a sole ground to refuse the anticipatory bail unless there is cogent material



suggesting his complicity in the crime, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Prohibition and Excise Court-II-cum District and Additional Sessions Judge, Vaishali at Hajipur in connection with Patepur P.S. Case No. 54 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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