

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35681 of 2026

Arising Out of PS. Case No.-101 Year-2026 Thana- MADHUBAN District- East Champaran

Anandi Sahani @ Anandilal Sahani Son of Late Rajendra Sahani Resident of
Village- Bara Hardiya, Hardiya, P.S.- Madhuban, East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rishav Dev, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard Mr. Rishav Dev, learned Advocate for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State through virtual mode.

2. The petitioner apprehends his arrest in connection
with Madhuban P.S. Case No. 101 of 2026, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. The police on a secret information regarding
concealment and sell of illicit wine conducted raid nearby a
pond situated at *Bara Hardia*. However, noticing the police
party, one person succeeded in fleeing away, who was later on
identified by the Chowkidar as the petitioner. In course of
search, total 145 litres country made *chulai* liquor was
recovered.



4. Learned Advocate for the petitioner taking this Court through the FIR submitted that admittedly the alleged recovery has been made nearby the pond which belongs to one Chalhahi Sahani and, as such, in no circumstances the petitioner can be held responsible for the same. There is complete defiance of Sections 103 and 105 of the BNSS. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the huge consignment of illicit liquor has been recovered nearby a pond and the local Chowkidar has disclosed his name, besides there is express bar to maintain anticipatory bail in terms of Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act.

6. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that the alleged recovery has been made from an open place that does not belong to the petitioner, coupled with the fair antecedent as also the absence of any ingredient attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, 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 Excise Court No. 3, East Champaran, Motihari in connection with Madhuban P.S. Case No. 101 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)

Anjani/-

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

