

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34885 of 2026

Arising Out of PS. Case No.-162 Year-2026 Thana- KESARIA District- East Champaran

Md. Rizwan @ Md. Rijwan Sai Son of Mojin Sai @ Zim Shah Resident of
Village- Dilawarpur Ward No. 10, P.S.- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 20-05-2026 The matter has been taken up today through video conferencing.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The Petitioner is apprehending his arrest in connection with Kesariya P.S. Case No. 162 of 2026 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2022.

4. As per the allegation, altogether 43.2 liters of foreign liquor was recovered from the husk “Bhusauliya” behind the house of the petitioner.

5. Learned counsel for the petitioner has submitted that the alleged place of seizure is the back side of the house of the petitioner which is an open space accessible to all. It has



further been submitted that no procedure prescribed under Section 103 of the BNSS has been followed. It has lastly been submitted that the petitioner has got no criminal antecedents.

6. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Heard the parties and perused the record.

8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, East Champaran at Motihari, in connection with Kesariya PS Case No 162 of 2026 subject to the conditions as laid down under Section 482 (2) of the Bharitya Nagrik Suraksha Sanhita.

9. This application stands allowed.

(Praveen Kumar, J)

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