

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35680 of 2026

Arising Out of PS. Case No.-15 Year-2026 Thana- ANTICHAK District- Bhagalpur

Govind Pahadiya son of Late Karu Paharia Resident of village- Kutubnagar,
P.S.- Antichak, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard Mr. Diwakar Upadhyaya, learned Advocate
for the petitioner and Ms. Sharda Kumari, learned Additional
Public Prosecutor for the State through virtual mode.

2. The petitioner apprehends his arrest in connection
with Antichak P.S. Case No. 15 of 2026 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police on a tip off regarding trade of illicit
liquor, conducted a raid. However, noticing the police party,
some of the persons, who were assembled there, succeeded in
fleeing away. On search, total 54 litres country made liquor was
recovered beside the house of the petitioner. The local
Chowkidar has disclosed that the illicit liquor has been kept by
this petitioner.



4. Learned Advocate for the petitioner taking this Court through the FIR as well as the search and seizure memo submitted that admittedly the alleged recovery has been made beside the house of the petitioner and for which the petitioner cannot be held responsible. Only on account of one past criminal antecedent of identical nature the name of the petitioner has been implicated in this case. There is complete defiance of Sections 103 and 105 of the BNSS. Moreover, the disclosure of the local Mahal Chowkidar appears to be doubtful and mala fide in nature. Learned Advocate for the petitioner further contended that even if the allegation is taken to be true for the sake of argument, it does not attract the rigors provided under section 76 (2) of the Bihar Prohibition and Excise (Amendment) Act.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the recovery of huge illicit wine near by the house of the petitioner clearly pointed the complicity of the petitioner in the crime.

6. Having considered the submissions advanced on behalf of the learned advocate for the respective parties and taking note of the fact that the alleged recovery has been made from an open place which does not belong to the petitioner,



coupled with the deficiency in search and seizure and 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 District and Additional Sessions Judge-IX, Bhagalpur in connection with Antichak P.S. Case No. 15 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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