

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40754 of 2026

Arising Out of PS. Case No.-7 Year-2026 Thana- Haraiya District- East Champaran

Chandra Deep Yadav S/O Late Saryug Yadav R/O Vill- Ahirwa Tola no. 7,
PS- Haraiya, Dist -East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Haraiya P.S. Case No.07 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 39 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the name of this petitioner arrayed solely on the disclosure made by the local chowkidar. It is also



submitted that the recovery of illicit liquor was made from *bushes* which is near the house of Bhanu Ray. It is further argued that the recovery of illicit liquor was not made from conscious possession of this petitioner. It is important to highlight that the requirement of Section 103(4) of the BNSS has not been complied with, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Explaining criminal antecedent, it is submitted that the petitioner found involved in three more criminal cases, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail 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- 1, East Champaran at Motihari in connection with Haraiya P.S. Case No.07 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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