

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39154 of 2026

Arising Out of PS. Case No.-107 Year-2026 Thana- MANSI District- Khagaria

Azad Yadav S/o Late Gulo Yadav Resident of Village- Khutiya, P.s.- Mansi,
District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-06-2026 Heard Mr. Binod Kumar, learned Advocate for the
petitioner and learned Additional Public Prosecutor for the
State.

2. The petitioner apprehends his arrest in connection
with Mansi P.S. Case No. 107 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 storage of illicit liquor
for sale, the police conducted raid at the hut of the petitioner.
However, noticing the police party, two persons, who were
present there, succeeded in fleeing away and later on one of
which has been identified as the petitioner, In course of search,
total 235.5 litres Indian made foreign liquor was recovered.



4. Learned Advocate for the petitioner submitted that the entire recovery has been made from an open hut, which was situated in the farm and easily accessible to all but only on account of past criminal antecedent of the petitioner of identical nature, four in numbers, his name has been implicated in this case. Had the recovery allegedly been made from the house of the petitioner, the witnesses would have been none other than the family members? However, in the present case, the witnesses are police personnel, and as such, there is a violation of Section 103 of the BNSS. It is further contended that the mandate of Section 105 of the BNSS, which authorises police officers to conduct search and seizure under videography, has also been given a go-by. There is further lack of material which attracts 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 there is huge amount of recovery of illicit wine from the house of the petitioner, besides four criminal antecedent and the bar to maintain anticipatory bail.

6. Having considered the submissions advanced on behalf of the learned Advocates for the respective parties and



taking note of non-compliance of Sections 103 and 105 of the BNSS, besides the fact that the alleged recovery has been made from an open hut situated in the midst of farm easily accessible to all and lack of material which attracts 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.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Khagaria in connection with Mansi P.S. Case No. 107 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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