

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40843 of 2026

Arising Out of PS. Case No.-208 Year-2026 Thana- PANAPUR District- Saran

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1. Audhesh Rai @ Awadhesh Rai S/o Bipat Rai R/o Village - Basahiya, PS - Panapur, District - Saran at Chapra
 2. Rajan Kumar Yadav @ Rajan Kumar Rai S/o Dhrup Deo Rai @ Dhrupdeo Rai R/o Village - Basahiya, PS - Panapur, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are not named in the

FIR and apprehending their arrest in connection with

Panapur P.S. Case No.208 of 2026 registered under Section

30(a) of Bihar Prohibition and Excise Act.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 450 litres of spirit.

4. It is submitted by learned counsel appearing for

the petitioners that the name of petitioner was arrayed solely



on the disclosure made by the local villagers. It is also submitted that the recovery of illicit liquor was made from thatched shed(palaani) which is an open place accessible by general public.It is also submitted that recovery of illicit liquor was not made from conscious possession of these petitioners. It is further argued 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 no. 1 claimed clean antecedent and petitioner no. 2 found involved in 1 more criminal case, where he is on bail.

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

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 these petitioners, accordingly, both petitioners, above-named, in the event of their arrest or surrender in the court below



within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-2, Saran at Chapra in connection with Panapur P.S. Case No.208 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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