

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40809 of 2026

Arising Out of PS. Case No.-162 Year-2026 Thana- GARDANIBAG District- Patna

Sanjay Ram S/o Bhanu Ram R/o Mohalla - New Yarpur, P.S - Gardanibagh,
District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Aryan Singh, Advocate
For the Opposite Party : Mr.Kalyan Shankar, 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 Gardanibagh P.S. Case No.162 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 7.04 litres of IMFL/country-made liquor.

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



submitted that the recovery of illicit liquor was made from the house of co-accused, namely, Karan Kumar who lives nearyby to this petitioner's home and only to implicate this petitioner in the present case, the informant showed seizure from the possession of this petitioner. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. 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 found involved in three more criminal cases of similar nature, 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 the learned Special Judge, Bihar Prohibition and Excise- I, Patna in connection with Gardanibagh P.S. Case No.162 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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