

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48207 of 2026

Arising Out of PS. Case No.-199 Year-2026 Thana- CHANPATIA District- West Champaran

1. Satan Sah @ Satan Prasad @ Satan Kumar Son of Late Shiv Sah R/o Village- Bhaisahi, P.S.- Chanpatia, District- West Champaran.
2. Dhiraj Kumar @ Dheeraz Kumar Son of Vijay Sah R/o Village- Bhaisahi, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manaur Alam, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending his arrest in connection with Chanpatia P.S. Case No. 199 of 2026, F.I.R dated 25.05.2026 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, on 25.05.2026, during a special drive against illegal liquor sellers, he received secret information that accused Satan Sah and Dheeraj Kumar were storing and selling Nepali liquor in a bamboo grove at village Bhaisahi. Acting on the information, the police team conducted a raid. On seeing the police, two persons fled from the spot and



escaped despite chase by the police party. During search of the bamboo grove, police recovered and seized 354.900 litres of Nepali liquor (Kasturi Premium and Kasturi Lemon Fresh) concealed under dry bamboo leaves and bushes. The seizure list was prepared in presence of police witnesses. Subsequently, the identities of the fleeing persons were ascertained as Satan Sah and Dheeraj Kumar through local villagers and the Chowkidar, leading to institution of the present case under the provisions of the Bihar Prohibition and Excise Act.

4. Learned counsel for the petitioners submits that the recovery has been made from the bamboo grove near village-Bhaisahi and the seized nepali liquor is said to have been hidden in the jute bags which do not belong to these petitioners and the place of recovery is an open place accessible to general public. It is also submitted that there is no any bamboo grove in that village which belongs to him. It has next been submitted that petitioner No. 1 has two criminal antecedents while the petitioner No. 2 has clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail application in respect of both the petitioners.

6. Considering the fact that the recovery is said to have been made from bamboo grove which is an open place



and accessible to general public, nothing is said to have been recovered from the constructive possession of these petitioners and are in no way connected with the seized Nepali liquor, accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), 1st , Bettiah, West Champaran in connection with aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the



*witnesses or tamper with the evidences,
failing which the State shall be at liberty to
take steps for cancellation of the bail bonds;
(iv) the petitioner(s) shall desist
from committing any criminal offence again,
failing which the State shall be at liberty to
take steps for cancellation of their bail
bonds.*

(Ajit Kumar, J)

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