

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42860 of 2026

Arising Out of PS. Case No.-233 Year-2026 Thana- SUGAULI District- East Champaran

Awadhesh Sahani, S/o Janakdev Sahani, R/o vill- Ward No 12, Uttari
Chhapara, Bahas, Ps- Sugauli, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 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 Sugauli P.S. Case No.233 of 2026 registered under Sections 30(a) of the 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 57 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the seized liquor was recovered from the house, which is a joint family property. It is further



submitted that no recovery has been effected from the conscious and exclusive possession of the petitioner, and there is no material on record to establish his conscious possession of the alleged illicit liquor. It is argued that Section 103(4) of BNSS has not been complied with *qua* search of premises, inasmuch as no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. The petitioner has five criminal antecedent of similar nature, in which, 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 of note of 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 Exclusive Special Judge-I, East Champaran, Motihari in connection with Sugauli P.S. Case No.233 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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