

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43915 of 2026

Arising Out of PS. Case No.-988 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Shambhu Sahani, Son of Late Bagad Sahani, R/o Village-Jhakiya, P.S.-
Banjariya, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s :	Mr. Suraj Kumar Tiwari, Advocate
	Mr. Shambhu Narayan Singh, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Turkauliya (Banjariya O.P.) P.S. Case No.988 of 2022
registered for the offences punishable under Sections 272,
273 of the Indian Penal Code (in short 'IPC') and Sections
30(a), 32, 34, 36, 41(1) and 45 of the Bihar Prohibition and
Excise Amendment Act, 2022.

3. The accused/petitioner is named in the FIR and
is in custody since 20.04.2026.

4. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is



recovery of 138.25 liters of IMFL/country-made liquor.

5. It is submitted by learned counsel appearing for petitioner that the recovery of alleged illicit liquor was made from newly constructed house-cum-shop of this petitioner, which is a joint family property and accessible to other family members and, therefore, it cannot be said that the alleged illicit liquor was recovered from conscious physical possession of this petitioner. It is pointed out that other co-accused persons have already been granted anticipatory bail by different co-ordinate Bench of this Court through Cr. Misc. No.67428 of 2022 dated 09.12.2022. While concluding argument, it is submitted that investigation of this case is already completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposed the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of alleged illicit liquor *prima facie* not appears to be made from physical possession of



this petitioner, coupled with the fact that investigation of this case is already completed, where petitioner remains in custody since 20.04.2026, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Court No.1, East Champaran at Motihari in connection with Turkaulia (Banjariya O.P.) P.S. Case No.988 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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