

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44770 of 2026

Arising Out of PS. Case No.-194 Year-2026 Thana- PAHARPUR District- East Champaran

1. Mangal Sahani @ Mangal S/o of Late Thag Sahani Resident Of Village - Noneya Dhab Tola, P.S. - Paharpur, Dist.- East Champaran.
2. Vinay Sahani @ Vinay Kumar S/o Kailash Sahani @ Kailash Sahani Resident Of Village - Noneya Dhab Tola, P.S. - Paharpur, Dist.- East Champaran.

... .. Petitioners

Versus

1. The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. Both accused/petitioners are apprehending their

arrest in connection with Paharpur P.S. Case No.194 of

2026 registered under Section 30(a) of Bihar Prohibition and

Excise (amendment) Act.

3. Allegation against the petitioners is to engage in

illegal trade/manufacturing of illicit liquor, where there is

recovery of 13.74 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioners that the recovery of alleged illicit liquor was



made from the house of petitioner no.1, namely, Mangal Sahani and also from the motorcycle which was parked near the house of petitioner no.2, namely, Vinay Sahani. It is also submitted that name of these petitioners arrayed solely on the disclosure made by the local chowkidar. It is further submitted that the recovery of illicit liquor was made from the said house is a joint family property which is not in the exclusive possession of petitioner no. 1 and also the alleged bike which was involved in carrying liquor does not belong to petitioner no. 2 It is further pointed out that nothing incriminating material has been recovered from conscious possession of these petitioners. It is argued that no independent witness was associated with the search and seizure list and the seizure witnesses were police personnel themselves. Petitioners claimed clean antecedent.

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 learned Special Judge, Excise Court No.- 1, East Champaran, Motihari in connection with Paharpur P.S. Case No.194 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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