

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44880 of 2026

Arising Out of PS. Case No.-130 Year-2026 Thana- WARISNAGAR District- Samastipur

1. Gangesh Sahni, Son of Ramchandra Sahni
2. Suraj Kumar, Son of Vijay Chaudhari @ Vijay Sahni
Both are resident of Village- Manopur Ward No. 11, P.S.- Warisnagar,
District- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate
	:	Mrs. Rani Shashi Bharti, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR

and apprehending their arrest in connection with Warisnagar

P.S. Case No.130 of 2026 registered under Section 30(a) of

the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Allegation against the petitioners are to engage

in illegal trade/manufacturing of illicit liquor, where there is

recovery of 30 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for

the petitioners that the seized illicit liquor was recovered



from the *pit* which is an open place accessible to the general public and, therefore, it cannot be said that the alleged recovery was made from the conscious possession of the petitioners. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. It is also pointed out that the name of the petitioners surfaced solely on the disclosure made by a local Chaukidar. The petitioner no.1 has three criminal antecedent of similar nature, in which, he is on bail, whereas the petitioner no.2 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 fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of these petitioners, accordingly, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Samastipur in connection with Warisnagar P.S. Case No.130 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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