

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48336 of 2026

Arising Out of PS. Case No.-203 Year-2026 Thana- CHAKIA District- East Champaran

1. Vishal Sahani Son of Bharoshi Sahani Resident of village- Bada Baishaha, Ps- Chakia, Dist- East Champaran
2. Subhash Sahani son of jagu Sahani Resident of village- Bada Baishaha, Ps- Chakia, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Chakia P.S. Case No. 203 of 2026, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. Acting on a tip off regarding storage and sell of illicit wine, the police conducted raid and recovered 495 litres of country made liquor from the litchi orchard, which is owned by petitioner no. 02.

4. Learned Advocate for the petitioners submitted that the reason behind the false implication of the petitioners is



nothing, but their past criminal antecedents as has been disclosed in paragraph no. 03 of the bail application. So far the recovery of illicit liquor is concerned, the same has been recovered from a litchi orchard, which is an open place easily accessible to all and for that petitioners cannot be held responsible. It is further contended that even litchi orchard falls in the share of joint family and on this score also the implication of the petitioners is bad in the eye of law. There is complete violation of Section 103(4) of the BNSS. The petitioners undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that a huge consignment of illicit wine has been recovered from the litchi orchard of petitioner no. 02.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the defiance of Sections 103(4) of the BNSS, besides the other discrepancies in the search and seizure and the lack of cogent materials which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the



petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, East Champaran at Motihari in connection with Chakia P.S. Case No. 203 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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