

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48289 of 2026

Arising Out of PS. Case No.-188 Year-2026 Thana- DIGHWARA District- Saran

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1. Satish Singh @ Satish Kumar Singh Son of Late Jitendra Singh Resident of Village- Kuraiya, P.S.- Dighwara, District- Saran
 2. Sanni Kumar Son of Sharmanand Sah Resident of Village- Kanakpur, Ismaila, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan, Adv.
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioners apprehend their arrest in connection with Dighwara P.S. Case No.188 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding the storage of illicit liquor, the police conducted raid in a maize field belonging to petitioner no. 1 and, during the course of the search, allegedly recovered 43.200 litres of illicit liquor.

4. Learned Advocate for the petitioners submitted that,



from a plain reading of the FIR as well as the seizure memo, it is evident that the alleged recovery was made from a maize field, which is an open place and easily accessible to all. It is contended that merely on account of the criminal antecedents of the petitioners, as disclosed in paragraph 3 of the bail application, the police suspected their involvement and implicated them in the present case without any direct or cogent material establishing their complicity in the alleged offence. It is further submitted that there has been non-compliance with the statutory provisions of Sections 103(4) and 105 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), inasmuch as no independent witness was associated with the search and seizure, nor was the search videographed as required under law. It is lastly contended that the maize field in question forms part of the joint family property and is cultivated and operated by several family members. The petitioners undertake to fully cooperate with the investigation as well as the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that, apart from the recovery effected from the field of petitioner no. 1, the statutory rigours applicable to the offence disentitle the petitioners from the grant of anticipatory bail.



6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the alleged recovery was made from an open place easily accessible to all, the land in question is a joint family property cultivated by several family members, besides non-compliance of the statutory provisions of the BNSS relating to search and seizure and the materials presently available do not *prima facie* attract the statutory rigours so as to deny the relief of anticipatory bail, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Court Excise Act-I, Saran at Chapra in connection with Dighwara P.S. Case No.188 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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