

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51115 of 2026**

Arising Out of PS. Case No.-103 Year-2026 Thana- KUNDWACHAINPUR District- East  
Champaran

Govinda Sah S/o Upendra Sah R/Vill.- Parsa, P.S.- Kundwa Chainpur, District  
-East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      29-07-2026                      Heard learned Advocate for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Kundwa Chainpur P.S. Case No. 103 of 2026, registered for the offences punishable under Sections 30(a),41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police on secret information conducted a raid and recovered 346 litres illicit wine from a bamboo orchard. The illicit wine was allegedly kept by the petitioner and others.

4. Learned Advocate for the petitioner submitted that from bare perusal of the FIR it is evident that the alleged recovery has been made from a bamboo orchard which is an



open place easily accessible to all and, as such, the petitioner cannot be said to be responsible for the same. The reason behind false implication of the petitioner is said to be one past criminal antecedent of identical nature. The petitioner has neither any concern with the place from where recovery has been made nor with the illicit wine. Witnesses to the search and seizure are none else but the police personnels and as such, there is no compliance of Section 103(4) of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the respective parties and considering the fact that the alleged recovery has been made from an open place, besides there is non-compliance of Section 103 of BNSS as also the lack of materials which attract the rigors to maintain the anticipatory bail, let the petitioner abovenamed be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-3, I/c Civil Court, Motihari East Champaran in connection with



Kundwa Chainpur P.S. Case No. 103 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 petitioner.

**(Harish Kumar, J)**

Anjani/-

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