

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51126 of 2026

Arising Out of PS. Case No.-143 Year-2026 Thana- PARIHAR District- Sitamarhi

Sudhir Kumar @ Sudhir Singh Son of Late Vinay Singh Resident of Village -
Koiriya Pipra, Police Station - Parihar, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Ms.Veena Kumari Jaiswal

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 Parihar P.S. Case No. 143 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Acting on a tip off regarding storage and sale of wine, the police conducted raid in the Hotel of the petitioner. However, noticing the police party, one person succeeded in fleeing away, who was identified as the petitioner. In course of search, total 18.600 litres of country made Nepali liquor was recovered from the Hotel of the petitioner.

4. There is complete denial of any recovery from the possession of the petitioner.

5. Learned Advocate for the petitioner submitted that



in fact the alleged recovery has been made nearby the Hotel of the petitioner and on suspicion his name has been implicated. The aforesaid facts also fortified for the simple reason that at the time of search and seizure the police has not carried out the video recording and the witnesses are none else but the police personnels and, as such, there is no compliance of Sections 103(4) and 105 of the BNSS. The petitioner has absolutely fair antecedent and he undertakes that he will fully cooperate with the proceeding of the court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the recovery from the Hotel of the petitioner clearly bars the anticipatory bail.

7. Having considered the submissions advanced on behalf of the respective parties and taking note of the fact that there is complete defiance of Sections 103 and 105 of the BNSS, besides the contention of the petitioner that the recovery has been made nearby the place of Hotel as also the fair antecedent and the lack of materials which attract strict legal bar to maintain the plea for 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 Special Judge, Exclusive Excise Court No. 1, Sitamarhi in connection with Parihar P.S. Case No. 143 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)

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