IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74419 of 2026

CNR No. BRHC011034222026

Arising Out of PS. Case No.-77 Year-2026 Thana- DHAUDAD District- Rohtas

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Chitranjan Kumar S/o Birendra Singh R/o Village - Dhankadha, P.S - Dhaudhah, District - Rohtas

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinay Kumar Singh, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 28-10-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dhaudhah P.S. Case No.77 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted a raid in a guava orchard nearby the *dalan* of the petitioner. However, noticing the police party, one person succeeded in fleeing away, who was later on identified as the petitioner. In course of search, total 54 liters of illicit wine was recovered.

4. Learned Advocate for the petitioner, referring to the

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FIR, contended that the alleged recovery has been made from a guava orchard, which is an open place, easily accessible to all. Moreover, the orchard does not belong to the petitioner and the identification of the petitioner by the village chowkidar appears to be unfounded as both of them reside in different villages. The reason behind the false implication is nothing but one past criminal antecedent of identical nature. While conducting raid, the police personnel have also failed to carry out video recording, as well as the witnesses to the search and seizure are none else but the police personnel, and as such it is argued that there is no compliance of Sections 103(4) & 105 of the BNSS.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the petitioner is carrying one criminal antecedent of identical nature.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that the alleged recovery has been made from an open place easily accessible to all, besides the discrepancies as has been pointed out while carrying out the search and seizure and the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on

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bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.-II, Rohtas at Sasaram in connection with Dhaudhah P.S. Case No.77 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 petitioner.

(Harish Kumar, J)

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