IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74840 of 2026

CNR No. BRHC011035912026

Arising Out of PS. Case No.-33 Year-2025 Thana- PATAHI District- East Champaran

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Ranjay Sah @ Ranjay Kumar S/O Lalbabu Sah @ Rajkumar Sah R/O Village- Sugapipar, P.S.- Patahi, Dist.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Adv.
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Patahi P.S. Case No. 33 of 2025, registered for the offences punishable under Sections 274 and 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Acting on a tip-off regarding the storage and sale of illicit wine, the police conducted a raid. However, noticing the police party, one person succeeded in fleeing from the spot, who was later identified as the petitioner. In course of search, 21 liters of country-made illicit liquor was recovered from a banana orchard situated near the house of the petitioner.

4. Learned Advocate for the petitioner submitted that,

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admittedly, the alleged illicit liquor was recovered from an orchard, which is an open place accessible to all, and, therefore, the petitioner cannot be held responsible for the alleged recovery. It is further submitted that the witnesses to the search and seizure are none other than police personnel and that no videography was conducted at the time of the raid. As such, there has been complete non-compliance with the mandatory provisions of Sections 103(4) and 105 of the BNSS. In the aforesaid circumstances, learned Advocate for the petitioner contended that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 would not be attracted in the present case. It is also submitted that, although the petitioner has one criminal antecedent, he undertakes that he will fully cooperate with the proceedings of the Court.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that, from the materials available on record, it appears that the banana orchard belongs to the petitioner and, therefore, the recovery of illicit liquor is attributable to his conscious possession.

6. Regard being had to the submissions made on behalf of the respective parties, and taking note of the fact that the alleged recovery has been made from an open place easily

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accessible to all, coupled with the non-compliance with the statutory prescriptions while carrying out the search and seizure, and the lack of materials attracting the statutory prohibition against the grant of anticipatory bail, let the petitioner above named 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 No. 3, East Champaran at Motihari in connection with Patahi P.S. Case No. 33 of 2025, 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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