IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77217 of 2026

CNR No. BRHC011045412026

Arising Out of PS. Case No.-350 Year-2026 Thana- MUFFASIL District- West Champaran

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Bhagvan Dhagar @ Bhagwan Dhangad @ Bhagwan Mahto S/O Nathuni Dhangad @ Nandu Mahto R/O Vill.- ITI Dhangad Toli, ward no. 13, P.s.- Bettiah Mufassil, Dist.- West Champaran.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Gupta, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Bettiah (Muffasil) P.S. Case No.350 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted raid in the house of the petitioner and recovered 50 liters country made wine along with the utensils used for the manufacturing of illicit wine.

4. Learned Advocate for the petitioner, taking this Court through the FIR as well as the search memo, primarily

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contended that neither of the aforesaid documents discloses that any recovery was effected from the house of the petitioner. It is further submitted that, had any such recovery actually been made from the petitioner's house, the family members or independent witnesses would ordinarily have been witnesses to the search and seizure proceedings. However, in the present case, the witnesses are none else but the police personnel, thereby raising serious questions regarding compliance with the provisions of Section 103(4) of the BNSS. It is further contended that the petitioner has been falsely implicated in the present case on account of his two criminal antecedents, as disclosed in paragraph No. 3 of the bail application. In view of the aforesaid facts and circumstances, it is lastly contended that the statutory bar contemplated under Section 76(2) of the Excise Act is not attracted to the facts of the present case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that since the recovery of huge country made liquor and utensils used for manufacturing of illicit wine were recovered from the house of the petitioner, as such there is complete bar to maintain the anticipatory bail.

6. Regard being had to the submissions made on

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behalf of the respective parties and considering the discrepancies while carrying out the search and seizure, inasmuch as the witnesses to the search and seizure are none else but the police personnel, coupled with the fact that the search and seizure memo doesn't disclose the place of recovery, besides the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioner, be released on 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 Special Judge Excise-1st, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No.350 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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