IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74398 of 2026

CNR No. BRHC011059022026

Arising Out of PS. Case No.-197 Year-2026 Thana- Nawalpur District- West Champaran

==========

Sachin Kumar Baidh, S/o Omprakash Baidh @ Omprakash Ram, R/o Nawalpur, P.S.- Nawalpur, District- West Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

==========

Appearance :
For the Petitioner/s : Mr. Gyan Prakash, Advocate
For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

==========

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Nawalpur P.S. Case No. 197 of 2026 registered for the offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Suspecting that two persons riding on a motorcycle were carrying illicit liquor, the police tried to intercept them. However, noticing the police party, they dashed with the riders of another motorcycle and due to which the accused persons fell down and subsequently one of the accused persons succeeded in fleeing away. In course of search, total 34.560 liters of illicit liquor was recovered. The apprehended person disclosed the

WEB COPY

name of the petitioner as his accomplice.

4. Learned advocate for the petitioner submitted that the petitioner has neither any concern with the motorcycle, in question, nor with the illicit liquor. Save and except the disclosure made by the apprehended person, that too before the police personals, which is not admissible in the eyes of law, there is nothing incriminating against the petitioner. The innocence of the petitioner found credence in view of the fair antecedent, is the contention of learned Advocate. While carrying out the search and seizure, the police has failed to conduct the Video recording and, as such, there is complete violation of Section 105 of the BNSS. In the aforesaid premise, it is also contended that the statutory prohibition to maintain the anticipatory bail under Section 76(2) of the Excise Act would also not be attracted.

4. On the other hand, learned APP for the State vehemently opposes the bail application.

5. Considering the rival submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner has no concern with the vehicle, in question, nor with the illicit liquor, besides during the course of investigation no further materials have been collected, which

WEB COPY

suggests his complicity, as also the fair antecedent of the petitioner as well as the lack of materials, which attract the rigours to maintain the anticipatory bail, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-II, Bettiah, West Champaran in connection with Nawalpur P.S. Case No. 197 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	

WEB COPY