IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74421 of 2026

CNR No. BRHC011062982026

Arising Out of PS. Case No.-348 Year-2026 Thana- CHAND District- Kaimur (Bhabua)

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Bajrangi Yadav Son of Late Shivnath Yadav Resident of Village - Ledari, P.S. - Chand, District - Kaimur at Bhabua.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Nityanand, 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 Chand P.S. Case No.348 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit liquor, the police raided the petitioner's house. However, upon noticing the police party, one person fled from the spot, who was subsequently identified as the petitioner. During the course of the search, a total of 11.225 litres of illicit liquor was allegedly recovered from the petitioner's house.

4. Learned Advocate for the petitioner submitted that the entire prosecution case falls to the ground for the simple

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reason that had the alleged recovery been made from the petitioner's house, the signature of at least one of his family members would have appeared on the search and seizure memo. However, as is evident from the said memo, the witnesses to the search and seizure are none else but the police personnel. It is further contended that the petitioner is a person with a disability, suffering from physical deformities attributable to polio, and is unable to walk without assistance. In the aforesaid premise, the allegation of fleeing away from the place of occurrence after noticing the police party appears implausible. The reason behind the false implication of the petitioner is said to be one criminal antecedent, as has been disclosed in para-3 of the bail application. Even if the allegation is taken to be true for the sake of argument, it is argued that the house in question belongs to a joint family and, in such circumstances, the mere implication of the petitioner's name, without any specific material indicating his involvement, is wholly unsustainable. In view of the materials brought on record, the bar contemplated under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, is not attracted in the present case.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that the alleged recovery of illicit liquor from the petitioner's house

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attracts the statutory bar against the grant of anticipatory bail.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the serious discrepancies as has been pointed out while carrying out the search and seizure, inasmuch as the witnesses to the search and seizure are none else but the police personnel, besides the house from where recovery has been made belongs to a joint family and the petitioner is a handicapped person and in this regard, a certificate has been brought on record as Annexure P/2, 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 Court No.1st Kaimur at Bhabua in connection with Chand P.S. Case No.348 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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