IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76847 of 2026

CNR No. BRHC011086112026

Arising Out of PS. Case No.-502 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Vijay Giri Son of Indradev Giri Resident of Village - Laxmipur, P.S.- Muffasil, District- East Champaran, Motihari.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhandev Kumar, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No.502 of 2026, F.I.R dated 02.08.2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, during a police raid conducted on the basis of secret information regarding illicit liquor, a total of 115 litres of country-made liquor was allegedly recovered from behind the petitioner's house, leading to the registration of the FIR.

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4. Learned counsel for the petitioner submits that the place of recovery of Desi chulai wine is from behind the house of the petitioner, which land does not belong to the petitioner and merely on the basis of his criminal antecedent has been implicated in the present case, though in all the cases he is on bail. It has further been submitted that the search and seizure is said to have been made without adhering to the procedures / provisions prescribed under Sections 103 and 105 of the Bihar Prohibition and Excise Act, 2016.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and merely on the basis of his criminal antecedent, has been implicated in the present case , accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with

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two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-01, East Champaran, Motihari, in connection with Muffasil P.S. Case No.502 of 2026 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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