IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76900 of 2026

CNR No. BRHC011088842026

Arising Out of PS. Case No.-357 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Munna Kumar S/o Rajan Sahani @ Sanjay Sahani R/o Village- Badhrwa, P.S- Muffasil, Distt.- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Opposite Party/s : Mr. Veena Kumari Jaiswal, 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. 357 of 2026, F.I.R dated 05.06.2026, registered for the offences punishable under Sections 30(a), of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on 05.06.2026 at about 06:10 hrs., the informant, along with police force, departed from Muffasil Police Station, Motihari, for day patrolling and a special raid against illicit liquor. At about 06:30 hrs., near Raysingha Chowk, secret information was received that Munna Kumar (petitioner) was storing and selling Nepali Kasturi illicit

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liquor near Ramgarhwa dam. After informing senior officers, the police force, along with local Chaukidars, reached near Ramgarhwa dam, in front of Mahanand Sahni's brick kiln, at about 07:05 hrs., whereupon one person, on seeing the police, fled away but was identified by the local Chaukidars as Munna Kumar (petitioner). On searching the dam, one tied jute sack hidden in the bushes was recovered, containing 135 pieces of Nepali Kasturi liquor, each measuring 300 ml, totalling 40.05 litres. Accordingly, a seizure list was prepared. On the basis of the aforesaid allegations, the present case was instituted and investigation was taken up.

4. Learned counsel for the petitioner submits that the seized liquor has been recovered from Ramgarhwa Dam, which is an open place accessible to the general public. It has next been submitted that the petitioner has clean antecedents and, on the basis of the information given by the local *Chaukidar*, the name of the petitioner transpired in the case.

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 facts that illicit liquor has not been recovered from the constructive possession of the

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petitioner, that the alleged seized liquor has been recovered from an open place accessible to the general public and the petitioner has clean antecedent, 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 two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran, Motihari, in connection with Muffasil P.S. Case No. 357 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, 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

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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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