IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75680 of 2026

CNR No. BRHC011102212026

Arising Out of PS. Case No.-274 Year-2026 Thana- JAMHOR District- Aurangabad

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Pawan Kumar @ Pancham @ Pavan Kumar S/o Late Ashok Prasad R/o Village - Jamhore Dhobhi Mohalla, Ward no. 5, P.S - Jamhore, District - Aurangabad

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Aman Vishal, Advocate
For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jamhore P.S. Case No.274 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding sale and storage of illicit wine, the police conducted raid in the house of the petitioner and recovered 93 liters of deluxe country-made liquor. Noticing the police party, one person succeeded in fleeing away, who was later on identified as the present petitioner.

4. Learned Advocate for the petitioner, referring to the

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search and seizure memo, submitted that the prosecution case is rendered doubtful for the reason that the witnesses to the alleged search and seizure are none other than police personnel. It is contended that had the alleged recovery actually been made from the petitioner's house, the signatures of the family members or, at the very least, those of independent witnesses would have found place in the search and seizure memo. The alleged non-compliance with the mandatory requirement of Section 103(4) of the BNSS, according to learned Advocate, further indicates the *mala fide* intention behind the alleged recovery. It is further submitted that the house from which the alleged recovery was made is a joint family dwelling, and, therefore, the petitioner's implication merely on that basis is wholly untenable. Learned Advocate also contends that the petitioner has been falsely implicated on account of his three criminal antecedents, which are of an identical nature. It is lastly submitted that the petitioner undertakes to fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposes the bail application and submits that besides three criminal antecedents, the recovery from the house of the petitioner clearly bars anticipatory bail in terms of Section

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76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the serious discrepancies while carrying out the search and seizure, besides the contention of the petitioner that the house belongs to a joint family and there is no other cogent 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. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Second, Aurangabad (Bihar) in connection with Jamhore P.S. Case No.274 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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