IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77309 of 2026

CNR No. BRHC011104762026

Arising Out of PS. Case No.-358 Year-2026 Thana- MIRGANJ District- Gopalganj

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Akash Singh @ Akash Kumar Singh @ Pradip Kumar Singh Son of Nandkishor Singh Resident of Village - Kushaudhi, Kusaundhi, P.S.- Mirganj, District- Gopalganj, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.
For the Opposite Party/s : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 05-11-2026 Heard the learned Advocate for the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Mirganj P.S. Case No. 358 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 the storage and sale of illicit liquor, the police conducted a raid in the cattle shed of the petitioner. However, upon noticing the police party, one person managed to flee from the spot, who was subsequently identified by the local *Chaukidar* as the petitioner. In course of search, 20 liters of country-made liquor was recovered.

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4. Learned Advocate for the petitioner, at the outset, submitted that a bare perusal of the FIR would reveal that the alleged recovery has been made from a cattle shed, which is open on all sides and easily accessible to the public at large. The petitioner is stated to have been falsely implicated on account of one previous criminal antecedent of identical nature. It is further contended that the witnesses to the search and seizure are none other than police personnel and, as such, there has been no compliance with the provisions of Section 103(4) of the BNSS. The identification of the petitioner by the local *Chaukidar*, who belongs to a different locality, is also stated to be doubtful.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the discrepancies pointed out in the course of the search and seizure proceedings, as well as the absence of materials attracting the statutory bar to the grant of anticipatory bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of

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receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IV-cum-Exclusive Special Excise Court No.-II, Gopalganj in connection with Mirganj P.S. Case No. 358 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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