IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79370 of 2026
CNR No. BRHC011112612026

Arising Out of PS. Case No.-131 Year-2026 Thana- BHITAHA District- West Champaran

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1. Rajesh Bin S/O Raja Ram Bin Residence of village - Rupahi Tar, P.S.- Bhitaha, District- West Champaran
2. Raja Ram Bin S/O Mahadev Bin Residence of village - Rupahi Tar, P.S.- Bhitaha, District- West Champaran
3. Ganesh Bin S/O Harinarayan Bin Residence of village - Rupahi Tar, P.S.- Bhitaha, District- West Champaran
4. Binod Bin Son of Harinishad Residence of village- Redahi, P.S. Bhitaha, District - West Champaran
5. Bihari Bin son of Hari Bin Residence of village - Rupahi Tar, P.S. Bhitaha, District West Champaran.
6. Chhathu Bin Son of Harishankar Residence of village - Rupahi Tar, P.S.- Bhitaha, District- West Champaran.
7. Biran Paswan Son of Upendra Paswan Residence of village- Redahi, P.S.- Bhitaha, District- West Champaran

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Gautam Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 25-11-2026 Heard learned Advocate for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Bhitaha P.S. Case No.131 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Acting on a tip-off regarding the transportation of illicit liquor, the police party conducted a raid. However, upon noticing the police party, some of the accused persons, who

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were carrying illicit liquor in a sack, managed to flee after abandoning the same, whereas two other accused persons were apprehended at the spot. During the course of search, a total quantity of 175.68 litres of illicit liquor was recovered.

4. Learned Advocate for the petitioners submits that the alleged recovery was made from a place near P.P. Tatbandh, at Panchayat Sarkar Bhawan, which is an open place easily accessible to all. It is further submitted that the petitioners have been falsely implicated in the present case on account of the criminal antecedents of some of them, as disclosed in paragraph No. 3 of the bail application. So far as the criminal antecedents are concerned, petitioner Nos. 5, 6 and 7 are carrying fair antecedents, whereas petitioner No. 1 has six criminal antecedents and petitioner Nos. 2, 3 and 4 have one criminal antecedent each. Learned Advocate further points out serious discrepancies in the manner in which the search and seizure were conducted. It is also contended that the identification of the petitioners is highly doubtful, as the same is based upon the disclosure made by the local Chowkidar, who does not even belong to the same village as the petitioners. In the aforesaid circumstances, learned Advocate submits that the statutory bar against grant of anticipatory bail is not attracted in the present

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case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the rival submissions advanced by learned Advocates 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 doubtful identification and discrepancies in the search and seizure and the lack of materials which attract the rigors to maintain the anticipatory bail, let the above named petitioners, be released on bail, in the event of their 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) **each** with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bagaha, West Champaran in connection with Bhitaha P.S. Case No.131 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 petitioners.

(Harish Kumar, J)

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