IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79362 of 2026

CNR No. BRHC011115652026

Arising Out of PS. Case No.-282 Year-2026 Thana- KESARIA District- East Champaran

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Shambhu Sahani Son of Late Guli Sahni Resident of village - Loharganwa, P.S.- Kesariya, East Champaran, Motihari.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with Kesariya P.S. Case No.282 of 2026 registered for the offences punishable under Sections 274, 275 & 111 of the BNS and 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit liquor, the police party conducted a raid. However, upon noticing the police party, the accused persons, including the petitioner, managed to flee from the spot. During the course of search, a total quantity of 200 litres of illicit country-made liquor was recovered.

4. Learned Advocate for the petitioner, taking this

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Court through the FIR as well as the search and seizure memo, submits that the alleged recovery was made from Mohargawan Devi Mai Chawar, which is an open place accessible to all. It is further submitted that the petitioner has been falsely implicated in the present case on account of one past criminal antecedent of identical nature and that, save and except mere suspicion, there is no material suggesting his complicity in the alleged offence. Learned Advocate also points out certain discrepancies in the manner in which the search and seizure were conducted. In the aforesaid circumstances, it is contended that the statutory bar prescribed under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, would not operate as an impediment to the grant of anticipatory bail.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that the criminal antecedent of the petitioner clearly suggests his bent of mind involving in such kind of crime.

6. Having considered 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 which doesn't belong to the petitioner, besides the discrepancies shown in the search and seizure and the lack of

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incriminating 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.-3, East Champaran, Motihari in connection with Kesariya P.S. Case No.282 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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