IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77238 of 2026

CNR No. BRHC011119132026

Arising Out of PS. Case No.-161 Year-2026 Thana- RAJEPUR District- East Champaran

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Sandeep Kumar @ Sandeep Kumar Singh S/o Baidnath Prasad R/o Village - Rajepur, P.S - Rajepur, District - East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Megha Kumari, Adv.
Ms. Shilpa Kumari, Adv.
Mr. Mangalam Kumar, Adv.
Mr. Somesh Kumar, Adv.
For the Opposite Party/s : Mr. Md. Nazir Ansari, 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 Rajepur P.S. Case No. 161 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Acting on a tip-off regarding the storage and sale of illicit liquor, the police conducted a raid in a hut-like structure belonging to the petitioner and recovered 16.200 litres of Indian made foreign liquor.

4. Learned Advocate for the petitioner, taking this Court through the FIR, primarily contended that the alleged recovery, *prima facie*, has been made from a hut-like structure

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which did not even have a door. It is further contended that the said structure is lying abandoned, is not being used for any residential or other purpose, and is easily accessible to the general public. It is contended that the petitioner has been implicated in the present case merely on account of his two past criminal antecedents, which have duly been disclosed in paragraph no. 3 of the bail application. Learned Advocate further pointed out serious irregularities in the manner in which the search and seizure were conducted, particularly as the witnesses to the search and seizure were none other than police personnel. Moreover, no video recording of the search and seizure proceedings was carried out, thereby indicating non-compliance with the statutory requirements prescribed under Sections 103(4) and 105 of the BNSS. In view of the aforesaid circumstances, it is lastly contended that the statutory bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, would not operate in the facts and circumstances of the present case.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that the alleged recovery has been made from a structure belonging to the petitioner, which attracts the statutory bar against the grant

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of anticipatory bail.

6. Having considered the rival submissions advanced by learned Advocates for the respective parties and taking note of the apparent discrepancies in the manner in which the search and seizure were conducted, particularly the fact that the hut-like structure appears to have been lying in an abandoned condition; coupled with the absence of any other incriminating material indicating the petitioner's complicity in the alleged offence, 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 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 Exclusive Special Excise Court No.-3, East Champaran at Motihari in connection with Rajepur P.S. Case No. 161 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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