IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79273 of 2026

CNR No. BRHC011123292026

Arising Out of PS. Case No.-459 Year-2026 Thana- BANJARIA District- East Champaran

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Bhulan Sahani S/o Late Baldhar Sahani R/o Village - Jhakhiya Ward No. 10, P.S - Banjariya, District - East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan 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 Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 459 of 2026, registered for the offenses punishable under Sections 30(a), 30(b) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted raid in the house of the petitioner along with others. Noticing the police party, the petitioner, who was present there, succeeded in fleeing away. In course of search, total 65 litres of illicit Chulai liquor was recovered from a jute bag kept near by the house of the petitioner.

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4. Learned Advocate for the petitioner, referring to the FIR, contended that admittedly nothing has been recovered from the house of the petitioner, rather the search and seizure memo clearly demonstrates that the alleged recovery has been made near by the house of the petitioner, for which the petitioner cannot be held responsible. Moreover, the petitioner bears fair antecedent and the witnesses to the search and seizure are none else but the police personnel and the police personnel also failed to abide by the statutory provisions as provided under Section 105 of the B.N.S.S. which mandates video recording at the time of search and seizure. In the aforesaid premise, learned Advocate for the petitioner submits that the rigors provided under Section 76(2) of Excise Act, 2016 would not be attracted.

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

6. Considering the rival submissions advanced by learned Advocate for the respective parties and taking note of the search and seizure memo, which clearly reflects that the recovery has been made near by the house of the petitioner and there are various other discrepancies in carrying out the search and seizure, as also the fair antecedent of the petitioner and the lack of materials which attract the rigors to maintain the

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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 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. I, East Champaran at Motihari in connection with Banjariya P.S. Case No. 459 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)

Siddharth Kr.
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