IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78947 of 2026

CNR No. BRHC011154142026

Arising Out of PS. Case No.-28 Year-2024 Thana- TURKAULIYA District- East Champaran

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Shivnath Sahani S/o Jaijeet Sahani @ Lalu Sahani Resident of village- Khadwa, PS- Banjariya, Distt- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Ms. Renuka Ratnakar, APP 125

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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 Turkauliya/Raghunathpur P.S. Case No.28 of 2024 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. Acting on a tip-off regarding storage and sale of illicit wine, the police conducted raid at Karmala Ghat. On noticing the police party, the petitioner along with others succeeded in fleeing away after throwing the plastic bag. In course of search, total 25 liters of country-made illicit wine was recovered.

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4. Learned Advocate for the petitioner, referring to the FIR, primarily contended that the identification of the petitioner in the crime is wholly doubtful inasmuch as the petitioner is a man carrying fair antecedent which lends credence over his innocence. So far the alleged recovery is concerned, it is argued that the same has been made from an open place easily accessible to all and for which the petitioner cannot be held responsible. The witnesses to the search and seizure are the police personnel, besides no video recording has been conducted while carrying out the same.

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 fact that the alleged recovery has been made from an open place, besides the discrepancies shown in the search and seizure as also the fair antecedent of the petitioner, and the lack of the materials which attract the statutory prohibition 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

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sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran at Motihari in connection with Turkauliya/Raghunathpur P.S. Case No.28 of 2024, 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 member of the petitioner.

(Harish Kumar, J)

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