IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78953 of 2026

CNR No. BRHC011154222026

Arising Out of PS. Case No.-261 Year-2026 Thana- Excise P.S. District- Darbhanga

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Virendra Das S/o Chote Lal Das R/o Village - Lakshmipur, P.S. - Jalley, Distt. - Darbhanga.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Ms. Jyoti Kumari, Adv.
For the Opposite Party/s : Mr. Tapeshwar Sharma, 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 Excise Sadar Darbhanga P.S. Case No.261 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a tip-off regarding the storage and sale of illicit liquor, the police conducted raid at the house of co-accused, Jaikaran Das. During the raid, the co-accused, Jaikaran Das, was apprehended. Upon search, total 8 litres of country-made liquor was allegedly recovered from a motorcycle.

4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case only

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by virtue of he being owner of the motorcycle in question. On a bare perusal of the FIR, it is evident that it is co-accused Jaikaran Das who was seen while keeping the incriminating materials in the motorcycle. The petitioner has nothing to do with the illicit wine nor with the present crime. Only on account of one past criminal antecedent of identical nature and being owner of the motorcycle in question, his name has been implicated in this case. There are various other discrepancies in carrying out the search and seizure, and moreover, the witnesses are none else but the police constables. It is also contended that no videography was conducted during the course of search and seizure, thereby allegedly violating the mandatory statutory requirement envisaged under Section 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the recovery of the wine from the motorcycle of the petitioner clearly prohibits anticipatory bail in terms of Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by learned Advocates for the respective parties and taking note of the nature of accusation levelled in the FIR, that it was the co-

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accused, Jaikaran Das, who was placing and removing certain articles from the motorcycle in question, coupled with the apparent discrepancies in the search and seizure proceedings and the absence of sufficient materials warranting the application of the rigours governing the grant of 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 Excise Court-1, Darbhanga in connection with Excise Sadar Darbhanga P.S. Case No.261 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 member of the petitioner.

(Harish Kumar, J)

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