

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2422 of 2025

Arising Out of PS. Case No.-76 Year-2024 Thana- PARSA District- Saran

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Rajesh Sahani @ Rajesh Kumar, Son of Nageshwar Sahani Resident of
Murahi Hasanpura, P.S.- Maker, District - Saran, Bihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhijeet Abhigyan, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner is named in F.I.R. and
apprehending his arrest in connection with Parsa P.S. Case No. 76
of 2024, registered for the offences punishable under Sections
30(a)/32(3)/41 of the Bihar Prohibition and Excise Act, 2022
(Amended)

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 100 litres of IMFL/country made liquor from the boat.

4. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor not appears to be
made from the physical possession of this petitioner. It is
submitted that the name of petitioner transpired on the basis of
disclosure made by apprehended co-accused Anil Kumar, which
safely suggesting that recovery of illicit liquor was not made from



the physical possession of this petitioner. It is submitted that petitioner found involved in four similar nature of cases, wherein almost in all cases his name transpired either on the basis of disclosure or on the basis of confessional statement as of present case, having no evidentiary value under law. It is pointed out that the criminal antecedents cannot be sole criteria for rejecting the prayer of bail, if the merit of the case otherwise appears in favour of accused/petitioner. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Anr.*** reported in ***(2020)11 SCC 648.***

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the recovery of alleged illicit liquor not appears to be made *prima facie* from the physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chhapra/concerned Court, where the case is pending in



connection with Parsa P.S. Case No. 76 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further conditions that:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J)

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