

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9281 of 2025

Arising Out of PS. Case No.-442 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Jainath Sahani Son of Bhauach Sahani Resident of Village- Tikuliya Dhab
Tola, P.S.- Muffasil Motihari, District- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad
For the Opposite Party/s : Mr.Pushpa Sinha. 1

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 07-05-2025 Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, there is a recovery of 5
liters of country made liquor from the dickey of the motorcycle
bearing Registration No. BR05M-5521 and it has been stated
that the petitioner was riding on said motorcycle but he
succeeded to escape from the place of occurrence leaving the
liquor behind.

4. Learned counsel for the petitioner submits that the
name of the petitioner has surfaced in this case on account of the



fact that the motorcycle in question is registered in the name of the petitioner. However, he submits that the said motorcycle was standing at his door, which was at some distance from the place of occurrence. The mandatory provisions of search and seizure have also not been followed as there is no independent witness to the seizure list and further there is no recovery from the physical and conscious possession of the petitioner.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the above mentioned circumstances and also taking into consideration that the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.01, East Champaran, Motihari, in connection with Muffasil P.S. Case No.442 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the



investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner before releasing him on bail.

(Soni Shrivastava, J)

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