

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7208 of 2025**

Arising Out of PS. Case No.-292 Year-2023 Thana- HARSIDHI District- East Champaran

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Rahul Sahani, S/O Harinand Sahani, Resident of village- Damobriti Olha Bazar, P.S.- Harsidihi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      07-02-2025                      Heard Mr. Abhishek Kumar, learned counsel for the Petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No. 292 of 2023 dated 05.05.2023 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. The main submissions advanced by learned counsel for the petitioner are that the instant matter relates to the recovery of 35 litres of country-made liquor and 1400 litres of semi-prepared liquor from the Chawar, which is public place and merely on the basis of local Chowkidar's identification, this petitioner has been made accused, the petitioner has no

connection to the place of recovery. It is further submitted that co-accused Bikesh Sahani @ Vikash Sahani has been granted anticipatory bail by this Court.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Heard both the sides and perused the FIR. The instant matter relates to the recovery of large quantity of country-made liquor as well as semi-prepared liquor purported to be used in the manufacturing of country-made liquor, though the petitioner has been made accused merely on the basis of identification made by the local Chowkidar in respect of the co-accused persons including the petitioner, who are said to have fled away on seeing the police party, but considering the petitioner's three criminals antecedents relating to the same nature of offence lodged under the Bihar Prohibition and Excise Act, this Court is not persuaded to form the opinion that the alleged offence under Excise Act does not attract even *prima facie* against this petitioner. So, considering the provision of Section 76 of Excise Act, this Court does not find the petitioner's prayer to be fit for acceptance. Accordingly, the petitioner's prayer stands rejected.

6. However, the petitioner is given a liberty to

surrender before the learned Trial Court and if he avails this liberty within 15 days from today, then the learned Trial Court will decide his regular bail prayer, at the earliest according to merit, without being prejudiced with this order.

**(Shailendra Singh, J.)**

Jyoti Kumari/-

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