

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7101 of 2025

Arising Out of PS. Case No.-745 Year-2023 Thana- HARSIDHI District- East Champaran

Rahul Sahni S/O Harinandan Sahani @ Hiranand Sahani Resident of village-
Damobriti, P.S- Harsidihi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-03-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Harsidhi Police Station Case No. 745 of 2023, dated 25.12.2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner, along with other co-accused persons, used to manufacture liquor and sell it from the house of the petitioner, raided the place of occurrence and on seeing the police, three persons came out of a hut situated by the side of the house of the petitioner and fled away and were identified by the local people and the chowkidar. On search, the police



recovered 60 litres of country-made liquid kept outside the hut of the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the local people and the chowkidar. He further submits that the petitioner has got no concern with the illicit liquor recovered inasmuch as the same has been recovered from outside the hut of the petitioner, which is an open space and is accessible to all. He further submits that the illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the name of the petitioner transpired in this case on the basis of disclosure made by the local people and the chowkidar and the illicit liquor has not been recovered from the possession and/or premises belonging to the petitioner; rather, the same has been recovered from outside a hut, which is an open space, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. 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 Exclusive Special Excise Court No. I, East Champaran, at Motihari, in connection with Harsidhi Police Station Case No. 745 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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