

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14230 of 2025

Arising Out of PS. Case No.-385 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Rambabu Sahani S/O Janakdeo Sahani R/O Vill.- Mehwa, P.S- Sugauli,
District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 19-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Excise P.S. Case No. 385 of 2019 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution is that 3000 kg of Jawa Mahua and 100 liters of country made liquor were recovered but from perusal of the prosecution report which has been filed by Excise Department, it is not clear as to from which place the recovery has been made.

4. Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He further submitted that the recovery was made from open field and that he is not in any way concern with the above seizure.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner and submitted that petitioner is having criminal antecedent of three case of similar nature.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, **this Court is inclined to enlarge the petitioner on bail with a condition that the petitioner shall not indulge in similar nature of offences in future.** The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Excise P.S. Case No. 385 of 2019, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No-2, East Champaran at Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.



7. Before parting, the Excise Department must take note that while prosecuting anybody, specific place of the seizure must be disclosed in the prosecution report, failing which, the whole prosecution is bound to fail.

(Ashok Kumar Pandey, J)

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