

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16500 of 2025

Arising Out of PS. Case No.-769 Year-2024 Thana- MAJHAULIA District- West Champaran

Arun Kumar @ Arun Sahani, aged about 30 years, Male, Son of Late Kailash Sahani, Resident of Village-Purushottampur, P.S.- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s :	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Majhauriya P.S. Case No. 769 of 2024 instituted for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, four liters country made liquor with two plastic glasses and 12 pieces of white plastic were recovered from a bag situated near bank of Kanhi River.

4. Learned counsel for the petitioner submits that petitioner is innocent has committed no offence and has falsely been implicated in this case. He submits that nothing has been recovered from the conscious possession of the petitioner. He



further submits that the entire recovery has been made from the bank of a river near an Anganbari School, which is an open space. He next submits that the name of the petitioner has come in this case on the basis of secret information given by co-villagers. He lastly submits that there is no any independent witness of the seizure list. Petitioner has got clean antecedent as stated in para 3 of the petition.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Judge Excise-II, Bettiah, West Champaran dated 11.02.2025, it appears that the alleged recovery is from an open place, which does not belongs to the petitioner. There is no any independent witness of the seizure list. It also appears that on the basis of written report of the informant Anant Kumar, Police Sub-Inspector, FIR has been registered under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Act against present petitioner. It also appears that from perusal of the seizure list four liters country made wine has been recovered from the bank of a river near an Anganbari School. There is no any recovery from the possession of the petitioner. Petitioner has not arrested at the spot having no criminal antecedent as stated in para-3 of the petition, so



considering all these aspects let the petitioner above named in the event of his arrest or surrender before the Court below within six weeks from today, be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-II, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 769 of 2024, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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