

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22883 of 2025

Arising Out of PS. Case No.-2 Year-2025 Thana- SUGAULI District- East Champaran

Pradeep Sahani Son of Jata Sahani @ Jatindra Sahani Resident of Village -
Mehwa, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-04-2025 Heard the parties

2. The petitioner is not named in the F.I.R. and apprehending his arrest in connection with Sugauli P.S. Case No. 02 of 2025 registered for the offences punishable under Section 30(a) of the Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 80 litres of country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the recovery of illicit liquor appears to be made from a sugarcane field which does not



belongs to this petitioner. It is submitted that the place of recovery is an open place which is accessible by general public, therefore, it can be safely said that recovery was not made from the physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases of similar nature, where he is on bail, and on the basis of suspicion arising out of said criminal antecedents he was implicated with present case also without having any connecting materials. It is further pointed out that the involvement of petitioner with present case was made in the background of suspicion as raised by local *chawkidaar*.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact as, recovery of illicit liquor *prima-facie* not appears to be made from the conscious physical possession of this petitioner rather an open field accessible by general public, accordingly



petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court no. 1, Motihari, East Champaran /concerned Court, where the case is pending in connection with Sugauli P.S. Case No. 02 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS., subject to condition:-

(i) That petitioner shall not involve/ indulge in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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