

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26297 of 2025

Arising Out of PS. Case No.-69 Year-2013 Thana- Excise P.S. District- East Champaran

Munilal Sahani S/o Late Chaliter Sahani, Resident of Village- Bherihari, P.S.-
Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 13-10-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in a case registered
under Section 47(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 175
litre illicit country made liquor alongwith 1000 kg. fermented
jaggery solution from the *Chaur* situated at Village Bherihari
and it is alleged that the said materials belong to the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis of suspicion. He further submits that the
present case is of the year 2013 and the petitioner had no
knowledge about the same. Learned counsel submits that
petitioner was not present on the spot and no incriminating



article has been recovered from his conscious possession. He further submits that petitioner has no concern either with the alleged seized liquor or with the place from where the recovery has been made. Learned counsel submits that seizure list has not been prepared in accordance with mandatory provisions of law as there is no independent witness to the seizure list. He further submits that although the petitioner had four criminal antecedents, however, the same are before the year 2019 in which he is on bail and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, East Champaran at Motihari in connection with Trial No.7618 of 2022 arising out of Excise P.S. Case No.69 of 2013, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik



Suraksha Sanhita, 2023 with further following conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) The petitioner shall appear on each and every date before the learned Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the learned Trial Court.

(iii) The petitioner shall desist from committing any such criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Sunil Dutta Mishra, J)

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