

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23729 of 2025

Arising Out of PS. Case No.-282 Year-2024 Thana- GUTHANI District- Siwan

Ranjan Kumar Sahani S/o Rajmangal Sahani Resident of Village- Balua, PS-
Guthani, Distirct- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 05-05-2025 Heard Mr. Manish Chandra Gandhi, learned counsel
for the petitioner and Mr. Kanhiya Kishor, learned A.P.P. for the
State.

2. Petitioner is apprehending his arrest in connection
with Guthani P.S. Case No. 282 of 2024 instituted for an offence
under Section 414 of the I.P.C. and Sections 37 and 30(a) of the
Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short, is that
informant- Purendra Singh, posted as Police Sub-Inspector in
Guthani Police Station, in his written application has alleged
that on 13.10.2024 at 10:00 o' clock in the morning, the
informant proceeded from police station with his team for
patrolling duty and during course thereof he got a secret
information that three motorcycles are coming from U.P. and



are likely to reach Darauli via Selaun. This information was communicated to the higher police officials and the informant reached at Selaun Bazar circle and started checking vehicles. It is further alleged that at about 15:30 o'clock, three persons on three motorcycles were coming having knotted some article on their motorcycles. Upon seeing the police, all three persons started fleeing away and when the police tried to apprehend them but all the three persons succeeded to flee from the spot. It is further alleged that having seen the police operation, some persons gathered there and out of them two persons were requested to become witnesses of search and seizure but none of them got ready. In such situation, in presence of two members of police team, motorcycles were searched and 36 litre wine was recovered from a motorcycle bearing Registration No. BR-29AN-6155, 18 litre wine was recovered from a motorcycle bearing Registration No. BR-29V-8059 (belonging to the petitioner) and 36 litre wine was recovered from Bajaj Discover motorcycle bearing Reg. No.- BR-29D-5896. Thus, the total recovery was 90 litre. Since the motorcycle bearing Registration No. BR-29V-8059 from which 18 litre of wine was recovered belongs to the petitioner, therefore, his name has been implicated in the present case. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. The entire incident has been falsely created to implicate the petitioner. Nothing has been recovered from the conscious possession of the petitioner and in fact, on that day the petitioner was going to his *sasural* that the petitioner was stopped by the police and they demanded valid paper. The petitioner had shown all the documents in soft copy which he had on his DigiLocker App but, the police did not agree to accept the digital copy of the documents and asked him to bring the hard copy on the next day for receiving his motorcycle. Next day, the petitioner learned from the local newspaper that his motorcycle has been seized showing recovery of 18 litre of wine. Learned counsel further states that it is a case of high handedness of the police who falsely implicated the petitioner in the instant case. The petitioner emphasizes that no liquor was seized from his conscious possession and the entire incident has been concocted and falsely created which gets established by the fact that the search and seizure memo does not bear the signature of the two independent witnesses which puts a serious question mark on the legality and validity of the seizure list. It is lastly submitted that the petitioner has got clean antecedent.



5. Learned APP for the State vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, and particularly the fact that no liquor was seized from the conscious possession of the petitioner in-person and also given the fact that the search and seizure memo does not contain the signature of two independent witnesses which creates a doubt about the genuineness and legality of the seizure list, in such circumstances, it would be appropriate to release the petitioner, above named on bail and is directed to, in the event of arrest or surrender before the learned Court below within a period of four weeks from the receipt of this order, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Siwan in connection with Guthani P.S. Case No. 282/2024 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Alok Kumar Sinha, J)

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