

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26169 of 2025

Arising Out of PS. Case No.-54 Year-2025 Thana- KESARIA District- East Champaran

Gugali Sahani Son of Late Yogendra Sahani Resident of village - Siswa
Kharar Ward No.- 13, P.S.- Kesariya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar Barnwal, APP

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-05-2025 Heard learned Advocate for the petitioner and Mr. M.
K. Nirala, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kesariya P.S. Case No. 54 of 2025 registered for the offences punishable under Sections 274, 275 of the BNS, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police on a tip off trafficking of illicit wine tried to intercept a motorcycle bearing registration No. BR 05 AQ 4076, however noticing the police party the rider of the motorcycle succeeded in fleeing away after leaving his motorcycle. In course of search, 30 litres country made liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner is neither the owner of the motorcycle nor he has



any connection with the illicit wine. The disclosure of the name of the petitioner by the villagers also does not inspire confidence. It is further contended that there are other infirmities in search and seizure, apart from non compliance of Section 100 of the Cr.P.C. The petitioner bears fair antecedent and he undertakes before this Court that he will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no recovery from the conscious or constructive possession of the petitioner and also the fact that the petitioner bears fair antecedent, coupled with the fact that the materials collected during investigation do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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



Excise Court No. 3, East Champaran, Motihari in connection with Kesariya P.S. Case No. 54 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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