

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26008 of 2025

Arising Out of PS. Case No.-139 Year-2024 Thana- KHAJAULI District- Madhubani

Shambhu Sahni @ Shambhu Kumar Sahni, S/o Anjani Sahni @ Ajay Sahani,
R/o Vill- Laskariya, P.S.- Jaynagar, Distt- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Kumari Pallavi, Advocate
For the Opposite Party : Mr. Akbar Ali, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khajauli
P.S. Case No. 139 of 2024 dated 29.06.2024 registered for the
offences punishable under Sections 272, 273, 414 of the I.P.C.
and Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2022.

3. As per the prosecution case, total 270 litres of illicit
Nepali Saufi liquor was recovered from the three motorcycles.
The police arrested the co-accused persons Sanjeevan Kumar
Singh who was driving one of the motorcycles. The
apprehended person disclosed the name of this petitioner and
the other co-accused person Dhiru Kumar as fleeing persons



after seeing the police who were also driving two separate motorcycles.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of the confessional statement of the apprehended co-accused persons Sanjeevan Kumar Singh which has got no evidentiary value in the eyes of law. No incriminating article has been recovered from his possession. It is further submitted that the petitioner is neither the owner of the three motorcycles nor he has any concern with the seized liquor. It is further submitted that Section 414 of the I.P.C. is not made out in the present case against the petitioner because no any complaint has been made against the stolen motorcycle. The petitioner has no concern with the alleged offence. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. It is further submitted that the other co-accused person, namely, Sanjeevan Kumar Singh, has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 58740 of 2024 under order dated 14.08.2024 and the other co-accused person, Dhuru Kumar @ Dharendra Kumar Singh, has also already been granted anticipatory bail by a



Bench of this Court in Cr. Misc. No. 64645 of 2024 vide order dated 20.11.2024, annexed as Annexure-P/2 series to the present bail petition. The petitioner has four criminal antecedents and in three cases, he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 28.01.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Madhubani in connection with Khajauli P.S. Case No. 139 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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