

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32195 of 2025

Arising Out of PS. Case No.-33 Year-2025 Thana- AURAI District- Muzaffarpur

Bikki Sahni @ Vicky Sahni @ Vicky Kumar S/O Paltan Sahni @ Palan Sahni
R/O Village- Shahi Minapur, P.S- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Aurai P.S. Case No. 33 of 2025 registered for the alleged offences under Section 8, 20(B)IIB of the N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act.

03. As per prosecution case, police received information about co-accused Girish Sah storing foreign liquor in his house and selling it. A raid was conducted and a lady tried to escape from the house who was apprehended. She disclosed her name as Bhavna Sahu wife of Girish Sah. From the house, recovery of 56.28 litre of India made foreign liquor and further recovery of 14 kg of Ganja was also made from the house. The apprehended lady



disclosed that her husband along with petitioner and one other co-accused used to sell the contraband. Subsequently, a raid was conducted at the hiding place of the co-accused Girish Sah who was apprehended and two persons fled away from the spot. Girish Sah named one of the escaped persons as this petitioner and another as Rishi Mahto.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from person or possession of this petitioner still he has been falsely implicated. Even the co-accused who was apprehended from the place of occurrence did not name the present petitioner in her statement. The petitioner is neither the owner of the house from where the alleged recovery has been made nor has any connection with the recovered contraband. The petitioner has been named in this case merely on suspicion as he has been having antecedent of two cases and except for confessional statement of co-accused there is no material against this petitioner to show his involvement in the present occurrence. Learned counsel further submits that though it is claimed that seizure list was prepared at the place of occurrence where co-accused Bhavna Sahu was apprehended but on the seizure list there is signature of Bhavna Sahu as well as Girish Sah and this



shows the manner in which the seizure list was prepared. There is non-compliance of Section 100 of the Code of Criminal Procedure. The learned counsel further submits that the petitioner is having antecedent of two cases in which he is on bail.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that recovery of 14 kg of ganja and 56.28 litre of foreign liquor have been made and the petitioner was actively participating in the sale of the contraband.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and also considering possibility of false accusation in the light of lack of material against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned Exclusive Special Judge, Excise, Court No. II, Muzaffarpur in connection with Aurai P.S. Case No. 33 of 2025, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a



close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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