

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28119 of 2025

Arising Out of PS. Case No.-51 Year-2025 Thana- KANHHAULI District- Sitamarhi

Ashok Sahni, aged about- 35 years, Gender - Male, S/o Birendar Sahni @
Birendra Sahani, R/o Village- Pipra Ghat, P.S.- Kanhauli, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Santosh Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Rana Randhir
Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kanhauli P.S. Case No. 51/2025 registered for the
offence(s) punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 31.875
litres of illicit liquor was recovered from a motorcycle,
belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. He further submitted that
petitioner has been made accused being the owner of the said



motorcycle. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and the said motorcycle was being driven by his neighbour, which was given to him by the petitioner's family in good faith and petitioner had no idea that he was carrying liquor on the said motorcycle. Petitioner has no concern with the seized liquor nor he is involved in trade of liquor in any manner. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Sitamarhi in connection with Kanhauli P.S. Case No. 51/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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