

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31120 of 2025**

Arising Out of PS. Case No.-22 Year-2025 Thana- DARBHANGA SADAR District-  
Darbhanga

=====

Chhote Sahni @ Makai Sahni @ Makai, Son of Bhola Sahni, Resident of  
Village- Kharthua, P.S.- Darbhanga Sadar, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate  
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

=====

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      21-05-2025                      Heard the parties.

2. The petitioner is apprehending his arrest in connection with Sadar P.S. Case No. 22 of 2025 registered for the offences punishable under Sections 30(a), 38(1) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. In course of patrolling, the police received secret information that some persons are engaged in unloading of illicit liquor from a 'Truck', rushed to the place of occurrence. However, noticing the police party 3-4 persons, who were present there succeeded in fleeing away. It is further alleged that the local *Chaukidar* identified the petitioner and others, who managed to flee away. In course of search, total 1416.600 litres of Indian made foreign liquor was recovered.



4. Learned Advocate for the petitioner contended that admittedly the raid was conducted at about 00.30 hours in a dark night and, as such, any identification of the petitioner that too by a local *Chaukidar*, who is resident of different place, is quite doubtful. It is further contended that in fact on account of criminal antecedent of the petitioner, as has been disclosed in para 3 of the petition, the name of the petitioner has been implicated in this case without there being any substantive materials. There are various other infirmities in the search and seizure, coupled with non-compliance of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is lastly contended that the petitioner has neither any concern with the Truck, in question, nor with the illicit liquor; moreover, the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application and submits that the presence of the petitioner has been disclosed by the local *Chaukidar*; all the more the petitioner is carrying three criminal antecedent and one relates to Excise Act.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record,



especially the doubtful identification of the petitioner and the infirmities in the search and seizure, as also the lacking of materials, which attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Darbhanga in connection with Sadar P.S. Case No. 22 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

