

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29047 of 2025

Arising Out of PS. Case No.-229 Year-2024 Thana- MEHSI District- East Champaran

Rahul Sahani Son of Kailash Sahani Resident of Village - Semra, P.S.- Mehsi,
District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-05-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Mehsi P.S. Case No. 229 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in the trade of illicit wine. The police on secret information conducted a raid. However, noticing the police party, two persons succeeded in fleeing away, after throwing their gallons. In course of search, total 60 litres of country made illicit liquor was recovered and the local Chowkidar identified the petitioner as one of the person, who succeeded in fleeing away.

4. Learned Advocate for the petitioner submitted that the very identification of the petitioner by the local Chowkidar



does not inspire confidence; moreover the alleged recovery has been made nearby Lohiya bridge of village Semra. It is further contended that the petitioner bears fair antecedent. Save and except the identification made by the local Chowkidar, there is no material suggesting the complicity of the petitioner in crime. There are other infirmities in search and seizure.

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 the alleged recovery has been made from an open place which is easily access to all, coupled with the fair antecedent and absence of ingredients attracting 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, Motihari, East Champaran in connection with Mehsi P.S. Case No. 229 of 2024, 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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