

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30979 of 2025

Arising Out of PS. Case No.-666 Year-2024 Thana- MOTIHARI TOWN District- East
Champaran

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Gopal Sahani @ Gopal Sahni, aged 60 years, Gender-Male, Son of Late Nand Lal Sahani, Resident of Village - Belisarai, P.S.- Town Motihari, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Madhurendra Kumar, Advocate
For the Opposite Party : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Trial No. 1214 of 2024, arising out of Town P.S. Case No. 666 of 2024 dated 16.10.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 01 litre of country made liquor was recovered from the hut of the petitioner and 52 litres of country made liquor which was kept in plastic sacks was recovered from the drain beside the hut of the petitioner.

4. Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in the present case. No incriminating article has been recovered from his possession rather the recovery was made from the road side near the drain beside the hut of the petitioner which was an open place and it is easily assailable for any one. There is no statutory compliance of Section 103 of the B.N.S.S, 2023. The petitioner has no concern with the alleged offence. The other co-accused person, Sheela Devi, has already been granted bail by a Bench of this Court in Cr. Misc. No. 4921 of 2025 vide order dated 27.02.2025, annexed as Annexure-P/2 to the present bail petition. The petitioner has one criminal antecedent in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 17.10.2024.

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 Exclusive Special Judge, Excise Court No.-1, East Champaran at Motihari, Bihar-845401 in connection with Trial No. 1214 of 2024, arising



out of Town P.S. Case No. 666 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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