

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31859 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- BISFI District- Madhubani

Manoj Sahni S/o- Amiri Sahni Village- Ghatbhatara PS-Bisfi Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Adv.

For the State : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The recovery of total 900 ml of Nepali country made liquor has been shown from a cattle shed located near the house of the petitioner.

4. Learned counsel for the petitioner submits that no recovery was made from physical and conscious possession of the petitioner rather the recovery is said to have been made from an open area which is accessible to all. The name of the petitioner has surfaced in this case only on account of suspicion and the process of search and seizure also amounts to violation



of the mandatory provisions as there is no independent witness to the said seizure.

5. Learned APP for the State, however, opposes the prayer for anticipatory bail on the ground that the petitioner has one criminal antecedent. In response to the same, it is submitted on behalf of the petitioner that the same is not of similar nature.

6. Considering the entire facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Bisfi P.S. Case No. 42 of 2025, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving genealogy as to how he is related with the petitioner.

(II) The learned Court below shall verify the criminal antecedent of the petitioner and in case it is found that the



petitioner has concealed his criminal antecedent, the learned Court below shall take steps for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay.

(III) The petitioner shall appear before the Investigating Officer of the concerned Police Station at an interval of every 15 days till charge sheet is submitted against him.

(Soni Shrivastava, J)

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