

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30735 of 2025

Arising Out of PS. Case No.-22 Year-2020 Thana- GALGALIYA District- Kishanganj

Ganesh Sahni Son of Upendra Sahni Resident of Village - Salugara, P.S.-
Bhaktinagar, District - Jalpaiguri (W.B.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Galgalia P.S. Case No. 22 of 2020, dated 14.07.2020, lodged under Section 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution, total recovery of 777 litres of illicit wine has been made from a Bolero Pickup vehicle, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel for the petitioner submits that nothing has been recovered from his conscious possession and he is neither the owner, nor the driver nor the *Khalasi* of the vehicle wherefrom recovery has been made. Further submitted that his name has come on the confessional statement of the apprehended co-accused persons who disclose that on the instance of the petitioner the said



vehicle has been loaded. It has further been submitted that petitioner has got clean antecedent and he has unnecessarily been implicated in this case due to enmity.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail of the petitioner submitting that the apprehended accused person has disclosed the mobile number by which he used to talk and the said mobile has been acknowledged in the FIR as well as the order sheet of rejection order of the trial court.

6. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, in case the petitioner surrenders within six weeks from today, the learned Trial Court will consider his application for regular bail on its own merit preferably on the same day particularly looking into this aspect that ingredients of Excise Act is available or not.

(Dr. Anshuman, J)

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