

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32400 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- BENIPATTI District- Madhubani

Mithilesh Sahni@ Mithlesh Sahni S/O Ramadayal Sahani R/O Pali, Utarwari Tol, Ward No. 02, Basaith Chandpura, P.S- Benipatti, Distt.- Madhubani, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikas Kumar Jha

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Benipatti P.S. Case No. 55 of 2025 arising out of G.R. No. 356 of 2025 registered for the offences punishable under Sections 317(5) of BNS, 2023 and Section 30(a) of Bihar Prohibition & Excise Act, 2022(Amendment)

3. As per prosecution case, there was alleged recovery of 12.660 litre illicit liquor from the sack and three motorcycles in question were seized at the place of occurrence. It is alleged that co-accused Vikendra Sahni and Ramdayal Sahni were apprehended at the spot.

4. Learned counsel for the petitioner orally submits



that petitioner is not named in the FIR and his name has been transpired in the present case as owner of one of the motorcycles in question. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has given his motorcycle to co-accused, Vikendra, and he has misused the said motorcycle. Petitioner is not found at the place of occurrence. Learned counsel submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Additional Sessions Judge-II-cum-Special Judge(Excise Act), Madhubani



in connection with Benipatti P.S. Case No. 55 of 2025 arising
out of G.R. No. 356 of 2025, subject to the conditions as laid
down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

vashudha/-

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