

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34057 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- LAKHAURA District- East Champaran

1. Gultan Sahani @ Gulten Sahani S/o Achhelal Sahani @ Achchelal Sahani Resident of Village - Katahan, Loknathpur, PS- Muffasil, District- East Champaran
2. Indrajeet Sahani S/o Achhelal Sahani @ Achchelal Sahani Resident of Village - Katahan, Loknathpur, PS- Muffasil, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar
For the Opposite Party/s : Ms.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-05-2025 At the very outset, learned counsel for the petitioner submits that petitioner no. 2/ Indrajeet Sahani has been arrested and hence, his prayer for anticipatory bail has become infructuous.

2. Accordingly, prayer for anticipatory bail of petitioner no. 2/ Indrajeet Sahani stands dismissed being infructuous.

3. Heard learned counsel for the petitioner no. 1, namely, Gultan Sahani @ Gulten Sahani and learned A.P.P. for the State.

4. The petitioner no. 1 is apprehending his arrest in connection with Lakhaura P.S. Case No. 19 of 2025 registered



for the offence punishable under Sections 30(a), 32, 41(1) of Bihar Prohibition and Excise (Amendment) Act.

5. As per prosecution case, on the basis of secret information 50 litre illicit country made liquor and one motorcycle were recovered from the bank of river and local chowkidar disclosed the name of petitioner who fled away from the spot.

6. Learned counsel for the petitioner 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 criminal antecedent of two cases in which he is on bail. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. Seized motorcycle does not belong to the petitioner. He further submits that alleged recovery has been made from a boat which was found at the bank of river which is an open place and petitioner cannot be held responsible for the alleged recovery. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.



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

8. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, ***petitioner no. 1, namely, Gultan Sahani @ Gulden Sahani***, 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 Special Judge, Excise Court No. 1, East Champaran, Motihari in connection with Lakhaura P.S. Case No. 19 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

9. The application stands allowed.

(Alok Kumar Pandey, J)

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