

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35043 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- MOTIHARI MUFASIL District- East
Champaran

Sanjay Sahani S/o Baiju Sahani R/o Vill- RAmgadhawa Tola Badaharwa,
P.S.- Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 01-07-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Motihari Muffasil P.S. Case no.42 of 2025 registered under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of F.I.R and seizure list would show that
60 liters of illicit liquor was recovered from a scooty bearing
Registration No. BR05DB5649.

4. Learned counsel for the petitioner submits that the
name of the petitioner has surfaced on account of the fact that
local *chowkidar* disclosed his name as the person who had fled
away from the place of occurrence and also he is the registered
owner of the seized scooty. As a matter of fact the petitioner
had only parked his motorcycle in market area and a false
recovery has been shown from the said vehicle. There is no



independent witness to the seizure list and hence, mandatory provisions of search and seizure have been violated. No recovery has been made from his physical or conscious possession of the petitioner. The petitioner has no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Motihari Muffasil P.S. Case no.42 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran at Motihari, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Harsh/-

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