

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36048 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- Benta District- Darbhanga

Ashish Kumar Sahni S/O Hari Sahni R/O Village- Kabirchak, P.S- Sadar,
Distt.- Darbhanga, at present R/O Bakarganj, P.S- Lahariyasarai, Dist.-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Madhumita Singh, Adv

For the Opposite Party/s : Mrs. Pushpa Sinha, App

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 29-05-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Benta P.S. Case No. 30 of 2025 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 270 litres of illicit Nepali liquor was recovered from the tempo which was being driven by the co-accused Vicky Kumar.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is not the owner of the said seized vehicle and the same was not being



driven by him at the time of the alleged recovery. It is next submitted that the name of the petitioner has surfaced on the confessional statement of the apprehended co-accused Vicky Kumar, who disclosed that the said liquor belongs to Ashish Kumar Sahni (petitioner). It is also submitted that the petitioner has no concern with the alleged recovery and no incriminating article has been recovered from his conscious physical possession. It is lastly submitted that the petitioner has one criminal antecedent and is in custody since 11.04.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submissions of the parties and taking into account the fact that no incriminating article has been recovered from the conscious physical possession of the petitioner and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Darbhanga, in connection with Benta P.S. Case No. 30 of 2025, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so



required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. The application stands allowed.

(Sourendra Pandey, J)

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