

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38885 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- HATHAURI District- Muzaffarpur

Upendra Sahani Son of Devilal Sahani @ Chhedilal Sahani @ Chedilal
Resident of Village - Barhad, P.S.- Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate
For the State : Ms. Indu Kumari Srivastava. APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Hathauri P.S. Case No. 40 of 2025, dated 08.03.2025, registered for the offences punishable under Sections 274, 275, 336(3), 3(5) of B.N.S. and Section 30(a), 33, 34, 35 and 36 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, there was secret information to the police that co-accused, Pankaj Singh, was involved in manufacturing the illicit liquor at his house. On raid, when the police reached the house of co-accused, Pankaj Singh, and others including the petitioner started fleeing away and on search the house, 80 litre of illicit liquor was recovered from the



house of co-accused, Pankaj Singh.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is no way involved in the alleged offence, nor was he present at the place of recovery. The whole case is based only on suspicion. As such, there is no cogent material against the petitioner and hence, no case is made out against the petitioner under the Excise Act and the present anticipatory bail petition is maintainable.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has six criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Hathauri P.S. Case No. 40 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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