

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37172 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- MADHUBAN District- East Champaran

Akhlesh Sahani S/O Mahesh Sahani R/O Vill.- Kauriya Morh, P.s.-
Madhuban, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Madhuban P.S. Case No. 55 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, the police has recovered total 471.75 liters of illicit foreign liquor from the straw-house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was neither apprehended on spot nor anything incriminating has been recovered from his conscious possession.



He further submits that the straw house, in question, is a joint family property and, thus, had no knowledge of the illicit liquor being kept in the same. The petitioner has one criminal antecedent as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Awadh Rai @ Awadh Kishor Yadav has been granted regular bail by this Court vide order dated 24.04.2025 passed in Cr. Misc. No. 25835 of 2025.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where



the case is pending/successor court in connection with
Madhuban P.S. Case No. 55 of 2025, subject to the conditions as
laid down under Section 482 (2) of the B.N.S.S.

(Rudra Prakash Mishra, J)

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