

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43135 of 2025

Arising Out of PS. Case No.-339 Year-2024 Thana- GUTHANI District- Siwan

Sunil Sahani @ Sunil kumar Sahani Son of Subedar Sahani Resident of
Village- Mishrauli, P.S.- Guthani, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-07-2025 Heard Mr. Bijay Prakash Singh, learned counsel for the
petitioner and Mr. Rajesh Kumar, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection
with Guthani P.S. Case No. 339 of 2024, F.I.R. dated 19.02.2025
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. According to prosecution case, during vehicle
checking at Guthni Chowk with the police force, two
motorcyclists started running away leaving their motorcycles
towards Uttar Pradesh, which was done with the help of the
police force but both the persons absconded. When the deposit
was searched in front of the police force, 45 litres of Bunt
Babli country made liquor was recovered from the sack tied to
the seat of the first motorcycle bearing Registration No.



UP53AD-1712 and 45 litres of Bunty Babli country made liquor was recovered from the sack tied to the seat of the second motorcycle UP52BN-6545. The said recovered illicit liquor and both motorcycles were duly seized.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. It appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner and the recovery has been made from the motorcycle and bolero vehicle in question. Learned counsel for the petitioner submits that the petitioner has no concern at all with the alleged recovery of illicit liquor and he has been made accused on the ground that he is the registered owner of the motorcycle bearing Registration No. UP53AD1712 from which the 45 litres of IMFL liquor was recovered.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail and submits that the recovery has been made from the motorcycle of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, nothing has been recovered from conscious possession of the petitioner and petitioner has



been made accused in the present case merely on the ground that he is owner of one of the motorcycle in question, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. I, Siwan in connection with Guthani P.S. Case No. 339 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the 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.

(Rajesh Kumar Verma, J)

Raj Ranjan/-

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