

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38441 of 2025

Arising Out of PS. Case No.-88 Year-2025 Thana- BIRPUR District- Supaul

Manohar Sahani @ Manohar Kumar S/o Bechan Sahani R/o Village- Birpur,
Ward No. 10, P.O.- Birpur, P.S.- Birpur, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nawaz Shareef, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-06-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Birpur P.S. Case No. 88 of 2025 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 14.03.2025 by the informant, Dhirendra Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the Police reached the house of Sanjay Kumar and near the washroom recovered/seized 35.04 liters of Nepali liquor which led to the FIR.

4. Learned counsel for the petitioner submits that admittedly the recovery/seizure is from the house of Sanjay Kumar with whom he has no relationship. The Police only to implicate him, have given certain names which included him. The petitioner has no criminal antecedent.



5. Learned APP opposes the prayer submitting that on the information that they have procured the liquor for selling it, the house was raided.

6. Considering the submissions of the parties as also that the recovery/seizure is from the house of Sanjay Kumar, the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Birpur P.S. Case No. 88 of 2025 to the satisfaction of learned Special Excise Court of Additional Sessions Judge-2, Supaul subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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