

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46527 of 2025

Arising Out of PS. Case No.-489 Year-2023 Thana- HARSIDHI District- East Champaran

Rahul Sahani @ Rahul Kumar Son of Hiranand Sahani Resident of village -
Damovirati, P.S.- Harsidhi, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Sharda Kumari, APP

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

ORAL ORDER

2 08-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was rejected vide order dated 31.01.2025 passed in Cr. Misc. No. 5355 of 2025.

3. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 489 of 2023 instituted for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(a), 30(d), 32 and 41(1) of the Bihar Prohibition and Excise Act.

4. As per prosecution case, the police has recovered total 70 liters of illicit country-made liquor from *Damovriti Chawar* and 1400 liters of semi-prepared liquor was also found



from the place of occurrence.

5. 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 due to village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner was not present at the place of occurrence and his name has surfaced on the basis of the disclosure made by the local Choukidar. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is languishing in judicial custody since 07.04.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the



like amount each to the satisfaction of Court below/concerned Court in connection with Harsidhi P.S. Case No. 489 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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