

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50747 of 2025

Arising Out of PS. Case No.-193 Year-2025 Thana- BANJARIA District- East Champaran

Om Prakash Sahani, S/o- Ashok Sahani, Village- Chilwaniya, Ps- Banjariya,
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. Sangeeta Sharma, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Banjariya P.S. Case No. 193 of 2025, registered for the
offences punishable under Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act, 2022.

3. Based upon the secret information the police raided
the house of one Ashok Sahani and on search total 163.770 liters
of foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the
petitioner submitted that only on account of the fact that the
alleged house from where the recovery has been shown to be
made is said to be in the name of the petitioner's father, he has



also been implicated in this case. It is further submitted that had the recovery been made from the joint family house of the petitioner, there would have been signature of any of the family members, but surprisingly the seizure list witnesses are none else, but the local chowkidar/ police personnel. Taking this Court through the seizure list it is next contended that the place of seizure has only been found to be nearby the house of the accused person; this also cast suspicion over the alleged recovery. It is lastly contended that in fact the name of the petitioner has been implicated on account of his past criminal antecedent, as has been disclosed in paragraph no. 3 of the bail application.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the recovery from the house of Ashok Sahani, who is none else but the father of the petitioner, as also the criminal antecedent of the petitioner clearly suggest his involvement in the trafficking of illicit wine.

6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the fact that the seizure list clearly depict that the alleged recovery has been made nearby the house of the petitioner and



there is no other material which shows the connection of the petitioner with the recovered illicit wine, except the criminal antecedent, as also the lack of materials which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Banjariya P.S. Case No. 193 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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