

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51924 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- BISFI District- Madhubani

Manoj Sahni, S/o Amiri Sahni, R/o Village- Ghat Bhatra, P.S.- Bisfi, Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bisfi P.S. Case No. 73 of 2025 registered for the offences punishable under Section 30 (a) (b) of the Bihar Prohibition and Excise Act.

3. The petitioner is said to be involved in trade of illicit liquor. The police conducted raid in the house of the petitioner. However, noticing the police party, the petitioner succeeded in fleeing away. The local *Chaukidar* disclosed the name of the petitioner. In course of search, total 4.125 litres of Indian made foreign liquor was recovered from a wooden house, over the roof of the petitioner's house.

4. Learned Advocate for the petitioner contended that the alleged recovery, which is said to have been made from a



wooden house falls under the possession of joint family and he has nothing to do with the same. In fact, on account of past criminal antecedent, out of which one relates to identical nature, his name has been implicated in this case. Identification of the petitioner by the local *Chaukidar* also appears to be doubtful. Moreover, the witnesses to the search and seizure are non-else but the police personnel, which also speaks about the mala fide attitude of the police personnel. Had the recovery been made from the house of the petitioner or even in a joint family house, there would have been signature of any of the family members or at least of the neighbours, but there is none. There are other infirmities in the search and seizure, inasmuch, as no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the recovery of illicit liquor from the house of the petitioner speaks about his complicity.

6. Having regard to the submissions and taking note of the fact that the alleged recovery is said to have been made from a joint family house, coupled with the infirmities in the



search and seizure and the lack of materials attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Madhubani in connection with Bisfi P.S. Case No. 73 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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