

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55635 of 2025

Arising Out of PS. Case No.-102 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Rajesh Sahni S/o Mangar Sahni @ Mangal Sahni Resident of Village-
Bhavdepur (Got), P.S.- Riga, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 01-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Majorganj P.S. Case No. 102 of 2022 instituted under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 40.40 liters illicit liquor from the motorcycle bearing Registration No. BR-30-AC-5926 of which petitioner is registered owner. Co-accused Kameshwar Sahni and Awadhesh Sahni have been apprehended on the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been implicated in this case being the owner of the motorcycle. Further submission is that on the



date of occurrence, the vehicle of the petitioner was taken by his brother-in-laws and without consent of the petitioner, his motorcycle was being used for transportation of illicit liquor. It is submitted that petitioner has no concern with the seized illicit liquor. Petitioner was not present on the spot and no incriminating material has been recovered from his conscious possession. Learned counsel submits that petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail and submits that seized motorcycle was driven by brother-in-laws of the petitioner and the petitioner is presumed to be involved in the occurrence and he does not deserve the privilege of anticipatory bail. He further submits that in view of Full Bench decision of this Court rendered in the case of **Ram Vinay Yadav vs. The State of Bihar** reported in **2019(2) P.L.J.R. 1089 (F.B.)** *prima facie* case is made out against the petitioner, therefore, the anticipatory bail is not maintainable.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, this Court is not inclined to grant anticipatory bail to the petitioner.



Accordingly, his prayer for anticipatory bail is, hereby, rejected.

7. It is clarified that if petitioner surrender before the learned Trial Court and seek regular bail, the same shall be decided on its own merit without prejudice to the rejection of this anticipatory bail of the petitioner.

(Sunil Dutta Mishra, J)

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