

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63520 of 2025

Arising Out of PS. Case No.-128 Year-2025 Thana- KATRA District- Muzaffarpur

Om Prakash Sahni @ Om Prakash Kumar @ Om Prakash Kumar Sahani S/O
Bhagwan Sahni R/O Village- Tehwara, P.S- Katra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Arun Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Katra P.S. Case No. 128/2025 registered for the offence(s)
punishable under Sections 274, 275 and 3(5) of the BNS and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 106.290
litres of illicit liquor was recovered from the bushes near the
Shinghiyoan Chaur.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. He further submitted that
recovery of illicit liquor has been made from an open space



which is easily accessible by anyone. Petitioner has no concern with the seized liquor

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and submitted that five criminal cases under Excise Act is pending against the petitioner as would appear from paragraph no.3 of the bail application.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and also the fact that recovery of illicit liquor has been made from an open space which is easily accessible by anyone, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is pending in connection with Katra P.S. Case No. 128/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the



criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

9. It is made clear that the petitioner will make his attendance before the concerned police station under which his house is located weekly at 10:00 a.m. till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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