

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61280 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- PIPRA District- East Champaran

1. Birlal Sahani @ Birla Sahani S/o Late Lachhan Sahani R/o vill - Chakniya, P.S.- Pipra, Distt.- East Champaran
2. Shivilal Sahani @ Shiv Sahani S/o Lachhan Sahani R/o vill - Chakniya, P.S.- Pipra, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Adv.

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-09-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pipra P.S. Case No. 103 of 2025 for the offence registered under sections 30(a), 41(1) of Bihar Prohibition and Excise Act.

3. As per the prosecution story, the informant alleged that on secret information, the place near Gandak river was raided and there is recovery/seizure of 960 liter country made liquor beside 5,350 liter mahua solution which was destroyed, locals gave the names of the persons who escaped, petitioners included. This led to the FIR.

4. Learned Counsel for the petitioner submits that



only because of criminal antecedent, he got implicated. The entire recovery is from an open place and not from his conscious possession. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- each (totaling Rs. 20,000/-) to the District Legal Services Authority, East Champaran, Motihari for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of East Champaran, Motihari Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent.

6. Considering the submissions of the parties as also that nothing has been recovered from their conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- each (totaling Rs. 20,000/-) to the District Legal Services Authority, East Champaran, Motihari for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court



Campus of East Champaran, Motihari Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, East Champaran, Motihari.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Motihari East Champaran in connection with Pipra P.S. Case No. 103 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be



submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Let a copy of the order be sent to the learned Principal District and Sessions Judge, East Champaran, Motihari for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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