

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64192 of 2025

Arising Out of PS. Case No.-126 Year-2025 Thana- HALAI District- Samastipur

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Ajay Sahni @ Ajay Kumar Sahni S/o Panchu Sahni @ Pachu Sahni Resident
of Village- Darwa, P.S.- Halai, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-09-2025 Heard Mr. Rekha Ranjan Prasad, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Halai P.S. Case No. 126 of 2025 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act, 2022 lodged on 12.07.2025 by the informant, Krishna Sharma.

3. As per the prosecution story, the informant alleged that on information that the petitioner is unloading liquor near his house from a pick-up van, the place was raided, the accused managed to escape but the *Choukidar* named him as this petitioner. Further, from the pick-up van, there is recovery/seizure of 582.804 liter foreign liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that



neither the pick-up van belongs to him nor he has criminal antecedent, due to enmity, the *Choukidar* has named him. The last submission is that without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 20,000/- to the District Legal Services Authority, Samastipur for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Samastipur 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 on the basis of information, the place was raided.

6. Considering the submissions of the parties as also that the pick-up van does not belong to this petitioner nor anything has been recovered from his house, the petitioner do not have criminal antecedent either, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services Authority, Samastipur for the beautification/purchasing of flower pots/purchase of sanitary vending machine whichever is required in the Civil Court Campus of Samastipur 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, Samastipur.

7. However, if it is found that contrary to the statement made in paragraph 3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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 Special Judge Excise-II, Samastipur in connection with Halai P.S. Case No. 126 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.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Samastipur for his/her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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