

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64914 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

Dewan Sahni @ Dewan Sahani, Son of Ram Ashish Sahani, R/o Village-
Kalaban, P.S. - Gauribazar, District - Deoria, Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-09-2025 1. Heard Mr. Indrajeet Bhushan, learned counsel for the petitioner and Mr. Akbar Ali, learned APP for the State.
2. The petitioner apprehends his arrest in connection with Vishambharpur P. S. Case No. 19 of 2025, dated 28.01.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is a resident of Uttar Pradesh having fair and clean antecedent, as per the prosecution's allegation, a total 157.760 liters of illicit liquor was recovered from a Bolero vehicle bearing registration No. UP52M-7365, though the petitioner is the registered owner of the said vehicle but in fact, he had no knowledge of the smuggling of the alleged liquor by using his vehicle and before



the recovery, he had given the vehicle to his co-villager co-accused, Sikandar Kumar, for his personal use and the same was misused by him and except the disclosure made by the apprehended co-accused showing the petitioner's involvement, there is nothing to show the petitioner's role in the smuggling of the alleged liquor and the materials upon which the prosecution's allegation against this petitioner is based solely on the disclosure made by the apprehended co-accused which is not admissible in the eyes of law, so, in view of this position as well as in the light of petitioner's clean past history, the alleged offence under which the FIR has been registered does not attract even *prima facie* against this petitioner, hence, his prayer is not hit by the provisions of Section 76(2) of the Excise Act. It is lastly submitted that the petitioner is a very young person.

4. Learned APP appearing for the State has opposed the bail prayer.

5. In the facts and circumstances of this case as well as considering the submissions as stated above and coupled with petitioner's fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in event of his arrest/surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail in connection with Vishambharpur P. S. Case No. 19 of 2025 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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