

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64490 of 2025

Arising Out of PS. Case No.-911 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Abhishek Kumar @ Abhishek Sahni, S/O Ramnath Sahni, R/O Village-
Goraiya, PS- Kurhani, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 911 of 2025 registered for the offence punishable under 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of being involved in the trade of illicit liquor; police conducted raid, however, noticing the police party, one person succeeded in fleeing away. In course of search, the police recovered 612 litres of Indian made foreign liquor from a hut and the place where the husk/ paddy were kept. The informant of the case has disclosed that the hut belongs to the petitioner.

4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the alleged crime, in question. However, only on account of one criminal antecedent in his credit, his name has been implicated in this case. The



disclosure of the informant, who happens to be the S.H.O., Excise, suggesting the hut belongs to the petitioner clearly smacks the *malafide*; all the more there are various other infirmities in the search and seizure. Had the recovery been made from the hut of the petitioner, there would have been signature of any of the family members in the seizure list as witness, but the witnesses are non-else, but the police personnel, which also fortified the contention of the petitioner showing *malafide*. The petitioner undertakes before this Court that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that recovery of the illicit liquor from the hut, besides one criminal antecedent clearly attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and considering the infirmities in the search and seizure, coupled with the fact that the hut, in question, was in dilapidated and abandoned position and not in the possession of the petitioner, as also the absence of the materials, which attract the rigor provided under Section 76(2) of the of the Bihar Prohibition and Excise Act,



2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge, Excise Court-II, Muzaffarpur in connection with Excise P.S. Case No. 911 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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