

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65038 of 2025

Arising Out of PS. Case No.-341 Year-2025 Thana- PATAHI District- East Champaran

Sunil Sah S/o Harishankar Sah Resident of Village- Gamhariya, P.S.- Patahi,
District- East Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhandev Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-09-2025 Heard Mr. Dhandev Kumar, learned counsel for the petitioner and Mr. Arun Kumar Pandey, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Patahi P.S. Case No. 341/ 2025 dated 12.07.2025 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition & Excise Act.

3. The main submissions advanced by the petitioner's counsel are that the petitioner bears no criminal antecedent, as per the allegation, a total 42.6 litres of Nepali liquor was recovered from a sack kept on a motorcycle but the petitioner has been made accused mainly on the basis of disclosure made by the local Chowkidar who claimed to have identified the accused persons, who were three in number and allegedly managed to escape upon seeing the police party leaving behind the motorcycle and the alleged sack and except this disclosure and identification by the local Chowkidar, there is no material to show the petitioner's involvement in the smuggling of the



alleged liquor, so, the petitioner’s prayer is not hit by section 76(2) of the Bihar Prohibition & Excise Act as the materials upon which the prosecution’s allegation is based do not even prima facie attract the commission of the alleged offence against this petitioner.

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

5. In the facts and circumstances of this case as well as considering the above stated facts and coupled with the petitioner’s fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to him. Accordingly, let the petitioner named-above, in the 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 Patahi P.S. Case No. 341/ 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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