

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72199 of 2025

Arising Out of PS. Case No.-248 Year-2025 Thana- SISWAN District- Siwan

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Dharm Shahni @ Dharm Choudhary @ Dharma Shahni S/o- Late Kailash
Shahni Village- Gyaspur PS- Siswan District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary

For the Opposite Party/s : Mr. Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 16-10-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Siswan Police Station Case No. 248 of 2025, dated 15.07.2025, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information Report, is that on 15.07.2025 at about 07:15 AM, during patrolling duty, the police received secret information that near Gayaspur Mathiya, the petitioner has kept illicit liquor in a mango orchard and was attempting to shift it elsewhere. On this information, the police reached the place of occurrence and after seeing the police party one person succeeded in fleeing away. On enquiry the local



villagers identified him as the petitioner. Upon search, a total of 40 liters of country-made Mahua liquor kept in plastic polythene bags was recovered from a bush at the bank of Saryu river near mango orchard.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case due to village politics. He next submits that the petitioner has been made accused on the basis of disclosure of his name by the local villagers. He further submits that illicit liquor has not been recovered from conscious possession of the petitioner and/or premises belonging to him and from perusal of the seizure list it would be evident that illicit liquor has been recovered from bush at the bank of Saryu river near mango orchard, which is open space and is accessible to all and sundry.
5. Regards being had to the submission made by the parties and taking into consideration the fact that illicit liquor has not been recovered from conscious possession of the petitioner and/or premises belonging to him rather the same has been recovered from a bush at the bank of Saryu river near mango orchard which is open space and is



accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge No. II, Siwan, in connection with Siswan Police Station Case No. 248 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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