

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66576 of 2025

Arising Out of PS. Case No.-229 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Gajendra Sahani Ragho Sahni @ Radho Sahani @ Radho Sahni @ Raghaw
Sahni Resident of Village- Tikuliya Dhab Tola, P.S.- Muffasil Motihari,
District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Muffasil Motihari P.S. Case No. 229 of 2022, registered for the offences under Section 30(a)(b)(c), 32, 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, in a drive against illicit liquor, police reached the banks of Sikarahana river and found 400 litres of semi prepared raw liquor which was destroyed and the police came to know about the petitioner who had kept the said material for preparing illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from person or possession of the petitioner. The recovery has been made from an open place which is the bank of the river and the petitioner has no concern either with the said place or the seized liquor. The petitioner was named in this case in the highhandedness of police. The petitioner is having antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 18.03.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown the conscious possession of the petitioner and also considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise-I, East Champaran at Motihari/concerned court, in connection with Muffasil Motihari P.S. Case No. 229 of 2022,



subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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