

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66532 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- MAKER District- Saran

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Guddu Sahani @ Guddu Kumar Son of Late Singeshwar Sahani Resident of
village - Hasanpura Murahi, P.S.- Maker, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, 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 Maker P.S. Case No. 75 of 2025, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received information about petitioner and co-accused keeping huge quantity of country made liquor near the banks of a river and intending to transport it through a boat. A raid was conducted and two persons were found loading some articles on a boat. Both the persons fled away on their motorized boat. The persons who assembled there disclosed the name of the petitioner and co-accused Deepak Thakur who fled away on the

boat. From search of the place, 350 litre of country made *chulai* liquor was recovered.

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 of the seized liquor is from an open place and the petitioner has no concern with the said place or the seized liquor. There is complete violation of the provisions of Section 103 of the BNSS. The petitioner is in custody since 11.07.2025 and he has 14 criminal antecedents.

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 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 Court No. 3, Saran at

Chapra/concerned court, in connection with Maker P.S. Case No. 75 of 2025, 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.

7. However, before accepting the bail bonds of the petitioner, the learned trial court would verify about the criminal antecedents of the petitioner and if it is found that the petitioner has concealed his criminal antecedents, his bail bonds will not be accepted.

(Arun Kumar Jha, J)

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