

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69428 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- CHORAUT District- Sitamarhi

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Raja Sahni @ Raja Kumar Sahni S/o Jira Sahni @ Jiraba Sahni R/o Village-
Brahmpuri, P.S.- Madhwapur, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 14-10-2025 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph 1 of the instant petition

filed on behalf of the petitioner, during the course of the day.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Chaurot P.S. Case No. 49 of 2023 registered for
the offences punishable under Section 414 of IPC and Section
30(A) of the Bihar Prohibition and Excise Act, 2018.

4. As per prosecution case, 16.200 litre illicit liquor
was recovered from the motorcycle in question and apprehended
co-accused Amarjeet Kumar disclosed the name of the petitioner
who fled away from the place of occurrence.

5. Learned counsel for the petitioner submits that



except disclosure of the said apprehended co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seized motorcycle does not belong to the petitioner. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner has nothing to do with the alleged recovery. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the name of the petitioner has been disclosed by the apprehended co-accused and hence, petitioner cannot escape from the allegation made in FIR.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner



above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court-II, Sitamarhi in connection with Chaurot P.S. Case No. 49 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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