

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70618 of 2025

Arising Out of PS. Case No.-312 Year-2025 Thana- BANJARIA District- East Champaran

Mukesh Sahani S/O Kapildeo Sahani R/O Village- Jhakhiya, P.S.- Banjariya,
Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar II, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Banjariya P.S. Case No. 312 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, on the basis of secret information 1.875 litre illicit foreign liquor was recovered from the hut situated behind the semi constructed house of the petitioner. It is further alleged that 10.875 litre foreign liquor was also recovered from the straw adjacent to the house of co-accused Ramkewal Sahni.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of five cases in



which he is on bail. He further submits that petitioner has been falsely implicated in a case one after another in a routine manner without any basis. He further submits that source of information has not been divulged in the FIR which questions the authenticity of the prosecution story. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Place of recovery is an open place and hence, petitioner cannot be held responsible for the alleged recovery. Seizure list has not been made as per law. He further submits that place of recovery does not belong to the petitioner. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that on the basis of secret information 1.875 litre illicit foreign liquor was recovered from the hut situated behind the semi constructed house of the petitioner and hence, petitioner cannot escape from the allegation of said recovery.



6. Considering the facts and circumstances of the case, 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, Court Excise No. 1, East Champaran, Motihari in connection with Banjariya P.S. Case No. 312 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

8. However, it is made clear that if the investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Alok Kumar Pandey, J)

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