

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71470 of 2025

Arising Out of PS. Case No.-172 Year-2025 Thana- SIDHWALIYA District- Gopalganj

Ajay Sahni S/O Late Dewnarayan Sahni R/O Village- Sikatiya, P.S-
Sidhwaliya, District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sarwat Rafi, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-10-2025 Heard Ms. Sarwat Rafi, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Sishwaliya P.S. Case No. 172 of 2025 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 23.08.2025 by the informant, Abhay Kumar Singh.

3. As per the prosecution story, the police on secret information reached near the Saran Embankment and upon search near the pond of Banka Singh from the bushes, there is recovery/seizure of different brands of foreign liquor totaling 104.320 litres. The name of the petitioner also cropped up, this led to the FIR.

4. Learned Counsel for the petitioner submits that recovery/seizure is from the bushes not from the conscious



possession, admittedly it is near the pond of Banka Singh, only because he has criminal antecedent of a different nature, got implicated.

5. The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner(s) intends to contribute Rs.15,000/- to the District Legal Services Authority, Gopalganj for the beautification of the Civil Court Campus/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of Gopalganj Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

6. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that his name has also cropped up in the FIR.

7. Taking into account the submission of the parties as also that the recovery/seizure from the bushes, an open place and not from his conscious possession, in that background, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 15,000/- to the District Legal Services Authority, Gopalganj for the beautification of the Civil Court Campus/purchase of flower pots/purchase of



sanitary vending machine, whichever is required in the Civil Court Campus of Gopalganj Judgeship as undertaken by the petitioner(s) through the learned counsel by way of Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the Trial Court by the DLSA Gopalganj.

8. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XIII-cum- Special Excise Court No.-1, Gopalganj in connection with Sidhwaliya P.S. Case No.172 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor of the petitioner(s) should be the family members/relatives/distant relatives of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner(s) shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner(s) shall appear before the concerned police station every fortnight for next six months to mark attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner(s) shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

9. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Gopalganj for his/her perusal and needful.

10. Before parting this Court would like to put on record its word of appreciation of Ms. Sarwat Rafi for proper assistance rendered in the matter.

(Rajiv Roy, J)

Raj Ranjan/-

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