

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72376 of 2025

Arising Out of PS. Case No.-553 Year-2024 Thana- SUGAULI District- East Champaran

Arjun Sahani @ Arjun Kumar Son of Munilal Sahani @ Munnilal Sahani
Resident of village - Kotwa Tola Bherihari Muswa, P.S.- Sugauli, District -
East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-10-2025 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for anticipatory bail which was dismissed by a Co-ordinate Bench of this Court vide order dated 05.05.2025 passed in Cr. Misc. No. 24568 of 2025 with a condition to deposit Rs. 20,000/- in District Legal Service Authority. The petitioner deposited Rs. 20,000/- but, he did not appear before the court to file bail bond within the stipulated period and, in the meanwhile, the petitioner was arrested in Excise P.S. Case No. 1206 of 2025.

3. The petitioner seeks bail in connection with



Sugauli P.S. Case No. 553 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

4. As per prosecution case, the police, on receipt of secret information, raided the place where the accused managed to escape but, total 150 liters of illicit country-made liquor was recovered from there. The *Chowkidar* named the petitioner which led to the F.I.R.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case due to village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in this case on the basis of the disclosures made by the local *Chowkidar*. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has seven criminal antecedents and is languishing in judicial custody since 13.08.2025 without any



rhymes or reason.

6. Learned counsel for the petitioner again submits that the co-accused namely Byash Sahani has been granted bail by this Court vide order dated 15.04.2025 passed in Cr. Misc. No. 22632 of 2025.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner bears seven criminal antecedents of similar nature of offences.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sugauli P.S. Case No. 553 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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