

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73685 of 2025

Arising Out of PS. Case No.-142 Year-2025 Thana- Pachpakdi District- East Champaran

Lalak Sahani @ Lalak Sahni S/o Gagandeo Sahani @ Gagan Dev Sahni
Resident of Village - Belwa, P.S.- Piprahi, District - Sheohar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad, Advocate
For the State : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Pachapakari P.S. Case No. 142 of 2025 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 24.6 litres of country made Nepali liquor was made from the petitioner, who was riding the motorcycle. On seeing the police party, the petitioner tried to run away with the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and no recovery has been made from the petitioner. The



petitioner was merely a passer by and the accused fled away leaving behind his motorcycle. The motorcycle seized by the police does not belong to the petitioner. There is violation of mandatory provisions of search and seizure. The recovery has been shown from the motorcycle and hence, there is no recovery from the conscious possession of the petitioner, who was apprehended merely on suspicion. The petitioner is having clean antecedent and he is in custody since 30.08.2025.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01, East Champaran at Motihari/concerned Court in connection with Pachapakari P.S. Case No. 142 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the 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.
- (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.

(Arun Kumar Jha, J)

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