

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82991 of 2025

Arising Out of PS. Case No.-127 Year-2025 Thana- KANHAULI District- Sitamarhi

Raghu Kumar @ Raghhu Sahani Son of Yugal Sahani Resident of village -
Shahpur, Sheetalpatti, Ward No.- 03, Police Station-Sahiyara, District-
Sitamadhhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kanhauli PS. Case No. 127 of 2025 dated 01-09-2025, instituted
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act,2018.

3.The allegation is of recovery of 441 litres of *Nepali*
Saufi wine from a plastic bag allegedly thrown by an
unidentified persons. It is further alleged that three old bicycles
and one motorcycle were also recovered from the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating article



has been recovered from the conscious possession or from the house of the petitioner and he has no concern with the seized illicit wine. It is further submitted that the petitioner is not the owner of the bicycles or the motorcycle allegedly involved in the occurrence. Lastly, it is submitted that although two criminal cases of a similar nature are pending against the petitioner, he has been implicated in the present matter by virtue of his criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No.1 Sitamarhi, in Kanhauli PS. Case No. 127 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court



below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the conclusion of the trial.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U			
---	--	--	--

