

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82408 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- KALUAHI District- Madhubani

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1. Angad Kumar Sahni @ Angad Sahni Son of Bipin Sahni @ Dipan Sahni
Village -Narar North, Ward No 6, PS -kaluahi, Distt -Madhubani
 2. Aman Kumar Sahni @ Aman Sahni Son of Bipin Sahni @ Dipan Sahni
Village -Narar North, Ward No 6, PS -kaluahi, Distt -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kusum Rani, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-12-2025 Heard the parties.

2. The petitioner is apprehending their arrest in connection with Kaluahi P.S. Case No. 133 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 02.08.2025 by the informant, Prashant Kumar.

3. As per the prosecution story, the informant alleged that on secret information, reached near the orchard and there is recovery/seizure of 432 liters of Nepali country-made liquor. As the name of the petitioner alongwith other accused persons cropped up, the FIR.

4. Learned counsel for the petitioners submit that both are brothers and due to local enmity, have been named. The orchard from where the recovery has been made, does not belong to them and they do not have any criminal antecedent.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the



case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that they are actively participating in the liquor business.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that the orchard does not belong to them and both the petitioners do not have any criminal antecedent, in that background, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Madhubani in connection with Kaluahi P.S. Case No. 133 of 2025 subject to the following conditions:

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official



document to show his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threaten 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 petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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