

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87010 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- WARISNAGAR District- Samastipur

Virendra Sahani @ Virendra Kumar Sahni S/o Baidhnath Sahni @
Baidhyanath Sahni R/o village - Rudhha Sanathi, Police station - Bochaha,
District – Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-01-2025 Heard learned counsel appearing on
behalf of the petitioner and learned Additional
Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.
and apprehending his arrest in connection with
Warisnagar P.S. Case No. 39 of 2023, registered for
the offences punishable under Sections
419,420,467,468,34 of the Indian Penal Code and
Sections 30(a), 30(c), 30(d) of the Bihar Prohibition
and Excise (Amendment) Act.

3.The allegation against the petitioner is to
be involved in illegal trade of illicit liquor, where
the raiding team/police recovered total of 1811



empty bottles apprehending that same may used for bottling of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that admittedly the recovery is of empty bottles and, therefore, the implication of petitioner is exclusively on the basis of suspicion as police persons suspected that the empty bottles may use for bottling of illicit liquor. It is submitted that the petitioner was not apprehended on the spot and his name appears in this case on the basis of disclosures made by co-accused persons, namely Nitish Kumar and Ranjeet Kumar after their arrest. It is submitted that in furtherance of said disclosure no incriminating material appears to be recovered from the physical possession of this petitioner which may connect him *prima facie* with present recovery of empty bottles.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of the fact as on the basis of suspicion that recovered bottles may



use for bottling of illicit liquor, without actual recovery of illicit liquor, the petitioner *prima facie* appears implicated with present case of excise, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Samastipur/concerned Court, where the case is pending in connection with Warisnagar P.S. Case No. 39 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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