

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83788 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- SHIVAJINAGAR District- Samastipur

Kanhaiya Sahani Son of Ganga Prasad Sahani Resident of Village- Ward No
11, At Konchi, Po - Rahiyar Konchi, PS - Shivajinagar, Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Shivajinagar P.S. Case No. 66 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 12.09.2025 by the informant, Devendra Paswan.

3. As per the prosecution story, the Police on information, raided the house of the petitioner and there is recovery/seizure of 544.92 liters of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, the recovery is from a joint house and further without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs. 20,000/- to the District Legal Services



Authority, Samastipur for the purchase of music system/purchase of flower pots/purchase of sanitary vending machine (whichever is required) in the Civil Court Campus of Samastipur Judgeship through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank.

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 he has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)** as also that the recovery is from a joint house and not from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 20,000/- to the District Legal Services



Authority, Samastipur for the purchase of music system/flower pots/sanitary vending machine (whichever is required) in the Civil Court Campus of Samastipur Judgeship as undertaken by the learned counsel for the petitioner through Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank and the receipt of the expenditure shall be submitted to the trial Court by the DLSA, Samastipur.

8. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise 1st, Samastipur in connection with Shivajinagar P.S. Case No. 66 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for six months to mark his 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 petitioner shall in no way try to induce or promise or threat 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 petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. A copy of the order be sent to the Principal District and Sessions Judge, Samastipur for his/her perusal and needful.

(Rajiv Roy, J)

Adnan/-

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