

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1452 of 2025

Arising Out of PS. Case No.-99 Year-2024 Thana- Raghunathpur District- East Champaran

Dilip Kumar Sahani, S/o Amrika Sahani @ Ambika Sahani, R/o village -
Sapahi Britiya, P.S. - Raghunathpur, Distt.- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Raghunathpur P.S. Case No.99 of 2024 registered under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 90 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner rather the same was recovered from the bank of Britya Dhanoti river,



which is open place and accessible to general public. It is pointed out that name of petitioner transpired on the basis of disclosure made by local Choukidar. It is pointed out that petitioner was found involved in three more criminal cases, whereas he is on bail in two cases.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner rather from an open place, which is accessible by general public, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on 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 Court No.1, East Champaran, Motihari in connection with Raghunathpur P.S. Case No.99 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS and with further condition:



(i) That petitioner shall not involve in similar nature of case till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J.)

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