

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.548 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- PHENHARA District- East Champaran

1. Manish Sahani Son of Horil Sahani Vill -Bishunpur Basant, PS -Phenhara Distt -East Champaran
2. Horil Sahani Son of Late Vanshraj Sahani Vill -Bishunpur Basant, PS -Phenhara Distt -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-02-2025 1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Phenhara Police Station Case No. 125 of 2024, dated 12.10.2024, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are selling liquor, reached the place of occurrence and on seeing the police, two persons fled away after throwing the bags, who were identified by the chowkidar as the petitioners. On search, the police



recovered 35 litres of illicit country-made liquor from the bags thrown by the petitioners.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have been made accused in this case on the basis of secret information and disclosure of their names by the chowkidar. Referring to seizure list, he submits that the illicit liquor has been recovered from the bamboo clump/field.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioners; rather, the same has been recovered from bamboo clump/field, which is an open space and they have been identified by the chowkidar, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of learned Exclusive
Special Excise Court No. III, East Champaran, at
Motihari, in connection with Phenhara Police Station
Case No. 125 of 2024, subject to the condition laid down
under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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