

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87590 of 2025

Arising Out of PS. Case No.-328 Year-2025 Thana- TEGHRHA District- Begusarai

Kartik Sahni S/O Bhola Sahni R/O Village - Tajpur, ward no.- 1, P.S- Teghra,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 19-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Teghra P.S. Case No. 328 of 2025, F.I.R dated 11.10.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, on 11.10.2025 at about 05:30 A.M., the informant along with armed force constables was on patrolling duty. At about 06:15 A.M., the informant allegedly received secret information that two persons were carrying country-made liquor on a motorcycle on Teghra Station–Hasanpur Road. Acting on the said information, the police party reached the spot, where two persons allegedly fled



away leaving behind a motorcycle bearing Registration No. BR-09 AT-3086. Despite chase, they could not be apprehended. Upon search of the motorcycle, a polythene bag kept on the seat was allegedly recovered containing two bags of country-made liquor, each of 2 litres, for which a seizure list was prepared.

4. Learned counsel for the petitioner by taking this Court to the search and seizure memo submits that the recovery of the seized articles is shown to be kept on the seat, while it is a case of the petitioner that it was parked at the place of recovery, and named in F.I.R. merely because the motorcycle in question belongs to this petitioner. The petitioner of this case is ready to abide by the terms and conditions imposed, in the event of benefit of anticipatory bail being extended in his favour. Counsel for the petitioner fairly submits that he has four antecedents akin to the instant case, and merely because the petitioner has been implicated in the excise cases, the police have implicated on the basis of the presumption, while this petitioner is on bail in all other cases.

5. On instruction, without accepting the guilt, learned counsel for the petitioner proposes to deposit Rs. 20,000/- (Rupees Twenty Thousand) in the welfare account of Advocate Association, Patna High Court, Patna.

6. Learned APP for the State opposes the prayer for anticipatory bail application.



7. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid fact that there is no recovery is made by showing the seized article kept on the motorcycle in question, while there is no independent witness to the seizure, which is said to have been prepared by the police, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai in connection with Teghra P.S. Case No. 328 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and on production of the receipt showing deposit of Rs. 20,000/- (Rupees Twenty Thousand) as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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