

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89763 of 2025

Arising Out of PS. Case No.-373 Year-2025 Thana- MOTIPUR District- Muzaffarpur

Bhola Sahni Son of Ramadhar Sahani @ Ramadhar Sahni R/o Village -
Gehunwachak, P.S. - Motipur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Motipur PS. Case No. 373 of 2025 dated 19-10-2025, instituted
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act.

3. The allegation is of recovery of 10 *litres* of illicit
country-made liquor near the house of the petitioner.

4.Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating articles
have been recovered from the petitioner's conscious possession
or from his house. The illicit liquor in question was seized from
an open area that does not belong to the petitioner and is



accessible to all. Lastly, it is submitted that one criminal case is already pending against the petitioner, in which he is presently on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise -II, Muzaffarpur, in Motipur PS. Case No. 373 of 2025 , subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita* 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present



case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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