

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11316 of 2026

Arising Out of PS. Case No.-198 Year-2025 Thana- EXCISE PATORI District- Samastipur

Birju Sahni, S/O Vipat Sahni @ Bipat Sahni @ Nanki Sahni, Resident Of
Village- Bulakipur, Ward NO. 13, P.S.- Dalsingsarai, District- Samsatipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with
Excise Patori P.S. Case No. 198 of 2025 registered for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

3. The prosecution case is to the effect that the police
conducted a raid and apprehended one Ramlakhan Sahni, who
was carrying 10 liters of illegal chulai liquor. It is further alleged
that one person is stated to have fled away and the apprehended
accused persons disclosed the name as Birju Sahni (petitioner).

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case at the behest
of the apprehended accused persons out of personal enmity. It



has further been submitted that admittedly the recovery is made from the hands of the apprehended co-accused persons and therefore, the petitioner does not have any liability for the same. It has next been submitted that the statement that the recovery has been made from the field of the petitioner is also an exaggeration, as it is admittedly an open space. It has lastly been submitted that the petitioner has clean antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioner above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Excise Patori P.S. Case No. 198 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be his close relative.



(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for anticipatory bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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