

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22681 of 2026

Arising Out of PS. Case No.-623 Year-2025 Thana- CHHATAUNI District- East Champaran

Sanjay Sahani Son of Late Girja Sahni R/o Village - Bara Bariyarpur, P.S. -
Chhatauni, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Chhatauni P.S. Case No. 623 of 2025 lodged on 19.10.2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 pending in the Court of Exclusive Special Judge, Excise Court No.1, East Champaran, Motihari.

3. As per the prosecution, FIR has been lodged against the sole petitioner. Total recovery of 10 litres of illicit liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the said recovery has been made from the bush which is situated near the house of the petitioner. Counsel submits that the petitioner was not apprehended from the place of occurrence and his name has figured in this case only on the basis of suspicion. Counsel further submits that the criminal antecedent of the petitioner is not clean as there are five cases pending against him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there are five cases pending against him and all are registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

7. However, if petitioner surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner has been



rejected by this Court and the Trial Court shall pass order on the
merit of this case.

(Dr. Anshuman, J)

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