

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17529 of 2026

Arising Out of PS. Case No.-651 Year-2025 Thana- SUGAULI District- East Champaran

Rajan Kumar @ Rajan Sahani Son of Ram Kumar Sahani @ Ramkumar Sahani Resident of Village - Mehawa, P.S.- Sugauli, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 in connection with Sugauli P.S.Case No. 651 of 2025.

3. As per the prosecution case, the police on a secret information regarding illegal activity of the petitioner, swung into action and reached the place of occurrence. In course of search, 180 litres of country-made liquor was recovered from a bamboo orchard. It is alleged that the local *Chaukidar* disclosed the involvement of the petitioner.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in the present case having clean background. He further submits that the recovery has not been made from the conscious physical possession of the petitioner.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the fact that the recovery of liquor has been made from a bamboo orchard, to which the petitioner claims to have no links and further taking note of the fact that no recovery has been made from the conscious physical possession of the petitioner and also the fact that the search and seizure memo has not been signed by two independent witnesses, which puts a question mark over the legality and validity on the seizure itself, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari in connection with Sugauli P.S. Case No. 651 of 2025, subject to the conditions laid down under



section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/ trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case 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, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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