

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31622 of 2026**

Arising Out of PS. Case No.-64 Year-2026 Thana- Gadhiya Bazar District- East Champaran

Faguni Sahani @ Amit Kumar S/O Akhilesh Sahani R/o Vill.- Madipur Tola  
Nagargawa P.S.- Gadahiya Bazar, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

2      07-05-2026      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Gadahiya Bazar P.S. Case No.64 of 2026, F.I.R dated 11.03.2026 registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, the informant-cum-S.H.O. received secret information regarding storage and sale of illegal liquor near the bank of river Budi Gandak and at the house of Akhilesh Sahani. On reaching the respective places, the accused persons allegedly fled away and were identified by local people/watchman. As no independent witness agreed to participate, members of the raiding party were made witnesses.



During search, 30 litres and 18 litres of country-made liquor respectively, along with one motorcycle, were recovered and seized, and seizure lists were prepared.

4. Learned counsel for the petitioner submits that the place of recovery is from an open space, which is accessible to all. It has further been submitted that the neither the petitioner was present at the place of occurrence nor the petitioner is in any way connected with the illicit liquor. Lastly, it has been submitted that the petitioner has no criminal antecedent.

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

6. 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 the petitioner has no criminal antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. 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 Special Judge Excise Court No.-3, East Champaran at  
Motihari, in connection with Gadahiya Bazar P.S. Case No.64 of  
2026 subject to the condition as laid down under Section 482(2)  
of the B.N.S.S., 2023.

(Ajit Kumar, J)

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