

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32248 of 2026

Arising Out of PS. Case No.-58 Year-2026 Thana- SUGAULI District- East Champaran

1. Munnilal Sahani S/O Charitar Sahani Resident of Village- Bhediyari Konwa Tola, PS- Sugauli, District- East Champaran
2. Arjun Sahani S/O Munnilal Sahani Resident of Village- Bhediyari Konwa Tola, PS- Sugauli, District- East Champaran
3. Jaikaran Sahani S/O Munnilal Sahani Resident of Village- Bhediyari Konwa Tola, PS- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar Singh
For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-05-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 58 of 2026 for the offence under section 30(a) of the Bihar Prohibition and Excise Act, lodged on 08.02.2026 by the informant, Anurag Raj.

3. As per the prosecution story, the informant alleged that on secret information, during patrolling, one Radheshyam was apprehended and there is recovery of 15 litres of country made liquor. Later, the police got another information about movement of liquor on a motorcycle, intercepted it and though the accused managed to escape, 435 litres of country made



liquor recovered from the said motorcycle. This led to the FIR.

4. Learned counsel for the petitioners submit that they are not the owner of the seized motorcycle nor has any connection with the recovery of the seizure. Last submission is that they do not have any criminal antecedent.

5. Further, learned counsel for the petitioners relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that their names have been cropped up on the basis of statement made by the Chowkidar.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also nothing has been recovered from the conscious possession of the petitioners nor they have criminal antecedent, in that background, this Court is inclined to extend them the privilege



of anticipatory bail.

8. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-1 I/C, East Champaran at Motihari, in connection with Sugauli P.S. Case No. 58 of 2026, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall be appearing before the Police Station as and when required for co-operating in the investigation;

(iii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be



taken for the cancellation of the bail bonds;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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