

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36840 of 2026

Arising Out of PS. Case No.-440 Year-2023 Thana- MADHUBAN District- East Champaran

Binay Kumar Sahani @ Vinay Kumar Sahani S/o Surendra Sahani Resident
of village- Khairawa @ Khairawa Chakchauhani, P.S - Madhuban, District -
East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, not named in the F.I.R., is apprehending his arrest in connection with Madhuban P.S. Case No. 440 of 2023 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of **10 litres** of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that under good faith, the petitioner provided his motorcycle to his friend namely, Narayan Das on assurance that he is going to market for purchasing medicine for his mother, but he misused his motorcycle for transporting recovered illicit liquor without any knowledge of the petitioner. It is submitted that



alleged recovery admittedly was not made from conscious physical possession of this petitioner, who is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 03, I/c Civil Court, East Champaran at Motihari/ concerned court in connection with Madhuban P.S. Case No. 440 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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