IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78398 of 2026

CNR No. BRHC011121002026

Arising Out of PS. Case No.-157 Year-2026 Thana- KALYANPUR District- East Champaran

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Suresh Sahani @ Suresh Sahni S/O Munnilal Sahani @ Muni Sahani Resident of Village- Siswa Kharar, PS- Kalyanpur, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Puja Kumari, Advocate
: Ms. Shikha Shankar, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2026 Heard Mrs. Puja Kumari and Ms. Shikha Shankar, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is apprehending his arrest in connection with Kalyanpur P.S. Case No. 157 of 2026 for the offences under sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act lodged on 06.04.2026 by the informant,Vineet Kumar.

3. As per the prosecution story, the Police on secret information raided a place and though the accused persons managed to escape near the drainage, there is recovery/seizure of altogether 27 liters of country made liquor. This led to the

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FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he got implicated. A perusal of the FIR itself shows that recovery/seizure is near the drainage and nothing has been recovered from his conscious possession. The petitioner is an aged person, he shall abide by all the terms and conditions if granted relief.

5. Further, learned counsel for the petitioner 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 he has criminal antecedent.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that the recovery/seizure is near the drainage and not from his conscious possession, an undertaking is given to cooperate

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in the investigation/diligently appear in trial, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. Let the petitioner 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) with two sureties of like amount each to the satisfaction of learned court of Exclusive Special Excise Court No. 03/concerned Court, Motihari, East Champaran in connection with Kalyanpur P.S. Case No. 157 of 2026 subject to the following conditions:

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

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner 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 petitioner shall appear before the concerned

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police station every month 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 petitioner 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 petitioner 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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