

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10148 of 2023

Arising Out of PS. Case No.-467 Year-2021 Thana- SUGAULI District- East Champaran

1. MADAN SAHANI Son of Bhikhari Sahani Resident of Vill.- Muswa, Konhawa Tola, Bhediyari, P.S.- Sugauli, Dist.- East Champaran.
2. Jailal Sahani Son of Bhikhari Sahani Resident of Vill.- Muswa, Konhawa Tola, Bhediyari, P.S.- Sugauli, Dist.- East Champaran.
3. Birendra Sahani Son of Rambir Sahani Resident of Vill.- Muswa, Konhawa Tola, Bhediyari, P.S.- Sugauli, Dist.- East Champaran.
4. Arjun Sahani @ Arjun Kumar Son of Sri Munnilal Sahani Resident of Vill.- Muswa, Konhawa Tola, Bhediyari, P.S.- Sugauli, Dist.- East Champaran.
5. Subhash Sahani Son of Bhikhari Sahani Resident of Vill.- Muswa, Konhawa Tola, Bhediyari, P.S.- Sugauli, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunal Tiwary
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offence punishable under Section 30a of the Bihar Prohibition and Excise Act.

As per the prosecution case, 35 liters country made liquor was recovered near the river side.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been



implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners.

Learned counsel appearing for the State opposes the prayer for bail and submits that petitioners no. 1,2 and 3 have got no criminal antecedent of similar nature, whereas petitioners no. 4 and 5 have got criminal antecedent of similar nature.

Considering the fact that the petitioners no. 4 and 5 have got criminal antecedent of similar nature, their prayer for bail is refused.

In the event of arrest/surrender within six weeks from today, let the petitioners no. 1, 2 and 3, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Special Excise Judge, Court No. 1, Motihari, East Champaran in Sugauli Police Station Case No. 467 of 2021, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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