

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54865 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- KESARIA District- East Champaran

1. Manket Sahani S/o Surendra Sahani R/o vill - Banparua, P.s. - Kesariya, Distt. - East Champaran
2. Sanket Sahani S/o Surendra Sahani R/o vill - Banparua, P.s. - Kesariya, Distt. - East Champaran
3. Akhilesh Sahani @ Aklesh Sahani S/o Sudish Sahani @ Sudish Sahni R/o vill - Banparua, P.s. - Kesariya, Distt. - East Champaran
4. Mishrilal Sahani S/o Nawab Sahani R/o vill - Banparua, P.s. - Kesariya, Distt. - East Champaran
5. Lavkesh Sahani S/o Sudish Sahani R/o vill - Banparua, P.s. - Kesariya, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Kesariya P.S. Case No. 94 of 2024, registered on 24.03.2024 for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, during area domination and anti liquor drive, information was received



about petitioners manufacturing illicit liquor near a pond and selling the same. A raid was conducted and 4-5 persons escaped from the place and Mahal Chaukidar identified them as petitioners of this case. From search of the place, 1400 litres raw materials/semi prepared liquor was seized and destroyed. Further, recovery of 65 litres of country made chulai liquor was also made from the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case and petitioners are having no criminal antecedent. No recovery has been shown from the petitioners and they name came up in this case merely on the saying of Chaukidar. Petitioners have no concern with the place of recovery or the seized material. In these circumstances, no offence under Bihar Prohibition and Excise Act is made out against the petitioners.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners were identified by the Chaukidar and they were involved in manufacturing of illicit country made liquor.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact no recovery has been shown from the petitioners and



there is no material to connect the petitioners with the offence as alleged and further considering their clean antecedent and possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 3, East Champaran, Motihari/concerned court in connection with Kesariya P.S. Case No. 94 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

