

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65171 of 2024

Arising Out of PS. Case No.-165 Year-2024 Thana- BANJARIA District- East Champaran

Bhola Sahani, aged about 27 years, Male Son of Shivrath Sahani, Resident of
Village- Jhakhya Naya Tola, P.S.- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya P.S. Case No. 165 of 2024 instituted for the offences
punishable under Sections 274, 275, 317(5) BNS and 30(a) of
the Bihar Prohibition and Excise (Amdt.) Act, 2022

3. As per the prosecution case, total 17 liters of
country made liquor has been recovered from a plastic sack.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that
nothing has been recovered from the possession of the
petitioner. There is no any independent witness of the seizure



list. He next submits that there is no any evidence has come to connect the petitioner in the alleged crime. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 19.07.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise Judge-1, East Champaran at Motihari dated 09.08.2024, it appears that petitioner is named in the FIR. There is no any independent witness of the seizure list and petitioner has got clean antecedent as stated in para 3 of the petition, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran at Motihari in connection with Banjariya P.S. Case No. 165 of 2024.

(Ramesh Chand Malviya, J)

Anand Kr.

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

