

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11444 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- BARGAINIA District- Sitamarhi

1. Sanjay Kumar Sahani S/o Satyanarayan Pd @ Satya Narayan Sahani R/o Village -Madhu Chhapra, Ward no-10, P.S.- Baiganiya, Distt.- Sitamarhi
2. Ram Ayodhya Sahani S/o Jiyalal Sahani R/o Village -Madhu Chhapra, Ward no-10, P.S.- Baiganiya, Distt.- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Devendra Kumar, Advocate.
For the State	:	Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bairagania P.S. Case No. 237 of 2024 dated 14.09.2024, registered for the offence punishable under Section 30(a)(c) of Bihar Prohibition and Excise Act.

3. As per allegation, two sacs containing 224.40 litres of liquor have been recovered lying on Motorcycle. As per further allegation, the Motorcycle was being driven by the accused persons including the petitioners and seeing the Police Party, they fled away leaving behind the



Motorcycle. As per the statement of *Chowkidar*, the persons who fled away were the accused persons including the petitioners.

4. Learned counsel for the Petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that neither the Motorcycle in question belonged to the petitioners nor were they driving the said Motorcycle. They were not present at the place of occurrence. He also submits that petitioners have no connection with the alleged offence. Only on the basis of false identification by the local *Chowkidar*, the petitioners have been implicated in this case without any legal basis. Hence, no *prima facie* case is made out against the petitioners. He also submits that similarly situated co-accused namely, Ram Bharosh Sahni has been enlarged on anticipatory bail by this Court vide order dated 8.1.2025 passed in Cr. Misc. 86648 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.



6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has no criminal antecedent whereas petitioner No. 2 has been made accused in two other cases.

7. Learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Sitamarhi, in connection with Bairgania P.S. Case No. 237 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent other than the disclosed one, learned court below shall



cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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