

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15886 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- PURAINI District- Madhepura

1. Nankhu Sahani Son of Lodhaye Sahani village- Puraini Ward no. 5, Ps-
Puraini, Dist- Madhepura
2. Bechan Sahani @ Bechan Kumar Sahani son of Late Bindeshwari Sahani
village- Puraini Ward no. 5, Ps- Puraini, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Ms. Pooja Prasad, Adv. Mr. Manoj Kumar, Adv.
For the Opposite Party/s	:	Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2025 Heard Learned Counsel for the petitioners and

Learned APP for the State.

2. The present Cr. Misc. Application has been filed under Section 482 of The Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS, 2023") for grant of anticipatory bail to the petitioners who apprehend their arrest in connection with Puraini P.S. Case No. 237 of 2024, dated 22.12.2024, lodged under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, total recovery of 60 litres of illicit liquor has been made, which is the subject matter of the present case.



4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that nothing has been recovered from the possession of the petitioners. Counsel further submits the criminal antecedent of the petitioner No. 1 is clean but the criminal antecedent of the petitioner No. 2 is not clean, as there is one criminal case pending against petitioner No. 2 in which he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners.

6. As such, in the present facts and circumstances of this case, let the petitioner No. 1, namely, Nankhu Sahani be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Additional Sessions Judge-VII-cum- Special Judge, Excise-II, Madhepura, in connection with Puraini P.S. Case No. 237 of 2024, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. So far as the bail application of the petitioner No. 2, namely, Bechan Sahani @ Bechan Kumar Sahani is concerned,



his bail application is hereby rejected, with a liberty that in case, the petitioner No. 2 surrenders within four weeks before the Trial Court, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner No. 2 has been rejected by this Court and the Trial Court shall pass order on the merit of this case considering that whether the ingredients of Bihar Prohibition and Excise (Amendment) Act has been taken in this case or not.

(Dr. Anshuman, J.)

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