

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12015 of 2025

Arising Out of PS. Case No.-252 Year-2024 Thana- BANJARIA District- East Champaran

1. Ashok Sahani S/O Ramashish Sahani @ Ramsish Sahni R/O Villag-e Sapahi Britiya, P.S- Raghunathpur, Distt.- East Champran.
2. Manoj Manjhi S/O Bangali Manjhi @ Bengali Manjhi R/O Villag-e Sapahi Britiya, P.S- Raghunathpur, Distt.- East Champran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Banjariya PS Case No. 252 of 2024 instituted for the offences under Sections, 317(5), 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 30(a) & 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 140 liters liquor was recovered from the motorcycle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the



present case. Petitioner No. 1 bears three criminal antecedents whereas petitioner No.2 is a man of clean antecedent. Name of the petitioners has surfaced on the basis of confessional statement of co-accused, namely, Araj Thakur, who has confessed that petitioner No.2 was sitting with him on motorcycle while petitioner No.1 convinced him to do the liquor business. Nothing has been recovered from the conscious or physical possession of the petitioners. Petitioners have no knowledge or concern with the illicit liquor. There is no compliance of Section 103 of the BNSS, 2023.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, ***let the petitioner No.2, Manoj Manjhi***, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Banjariya PS Case No. 252 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS, 2023.



7. So far as *petitioner No.1, namely, Ashok Sahani*, is concerned, taking his three criminal antecedents that too of the Excise Act, this Court is not inclined to grant anticipatory bail to the petitioner No.1. Prayer for grant of bail to petitioner No.1, namely, Ashok Sahani, is *rejected*.

8. However, if the petitioner No.1, namely, Ashok Sahani, surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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