

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15708 of 2025

Arising Out of PS. Case No.-430 Year-2024 Thana- BANJARIA District- East Champaran

1. Jaikaran Kumar Son of Late Munilal Sahani @ Late Munnilal Sahni Resident of Village - Muswa, Bherihari, P.S. - Sugauli, District - East Champaran
2. Prakash Kumar Son of Gagandev Sahani Resident of Village - Muswa, Bherihari, P.S. - Sugauli, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Banjariya PS Case No. 430 of 2024 instituted for the offences under Sections 274, 275, 317(5) of B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 58.7 litres of country made liquor was recovered from motorcycle.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material



has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. It is submitted that motorcycle in question does not belong to the petitioners. It is further submitted that petitioners have never stolen the motorcycle. The petitioners are in custody since 25.12.2024. Petitioner no. 1 has three criminal antecedents and petitioner no. 2 has no any criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya PS Case No. 430 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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