

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20817 of 2025

Arising Out of PS. Case No.-1302 Year-2023 Thana- TURKAULIYA District- East
Champaran

Hirdesh Sahani S/O Kanhiya Sahani @ Kanhaiya Sahani R/O Village- Ward
No.-3, Daroga Tola, P.S- Turkauliya (Banjariya), Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Turkauliya (Banjariya) PS Case No. 1302 of 2023 instituted for
the offences under Section 30(a) of the Bihar Prohibition and
Excise Act. Earlier vide order dated 22-08-2024, passed in Cr.
Misc. No. 60766 of 2024, anticipatory bail of the petitioner was
allowed with condition, but he could not file his bail bonds due
to non-fulfillment of the condition.

3. The prosecution case, in short, is that 33 liters
country made liquor was recovered from bamboo orchard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 30-12-2024 and has got six criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023.

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

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

7. Let the petitioner be released on bail on furnishing bail, *after framing of charge, if not already framed*, bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Turkauliya (Banjariya) PS Case No. 1302 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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