

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28156 of 2025

Arising Out of PS. Case No.-29 Year-2025 Thana- BANJARIA District- East Champaran

1. Mukesh Sahani, Male, aged about 25 yrs.
2. Bagad Sahani @ Bagar Sahani, Male, aged about 26 Yrs.
Both sons of Chandri Sahani @ Chhadari Sahani, resident of village-
Jhakhiya, P.S.- Banjariya, District -East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Rajesh Kumar, learned counsel appearing
on behalf of the petitioners and Mr. Aditya Narayan Singh.1 ,
learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Banjariya P.S. Case No. 29 of 2025 registered for the
offence punishable under Sections 274, 275 of the B.N.S., 2023
and Sections 30 (a) and 41 of the Bihar Prohibition and Excise
Act as amended up-to-date.

3. Allegation is of recovery of 265 litres of country-
made liquor from the bank of the river.

4. Learned counsel appearing on behalf of the
petitioners submits that the petitioners have been falsely



implicated in the case due to local village politics. Petitioners have no concern with the seized liquor nor they are involved in trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone. Petitioners have two criminal antecedents of similar nature, therefore, they have been made accused in the present case. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioners cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 265 litres of country made liquor from the bank of a river, which is an open place and easily accessible to any one, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each



with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari, in connection with Banjariya P.S. Case No. 29 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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