

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24381 of 2025

Arising Out of PS. Case No.-40 Year-2024 Thana- BANJARIA District- East Champaran

Sunil Kumar Sahani @ Lalu Sahani Son of Shivnath Sahani Village-
Khadwa ,P.S-Banjariya ,District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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

ORAL ORDER

2 22-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Banjariya P.S. Case No. 40 of 2024, instituted for the offences punishable under Sections 414, 272, 273 of the Indian Penal Code read with Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 80 liters liquor was recovered from two motorcycles.

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. Learned counsel for the petitioner also submits that the petitioner was neither present at the spot nor arrested from the place of occurrence. Name of the petitioner has transpired in this case on the basis of confessional statement made by co-accused, namely, Santosh Kumar and the same has got no evidentiary value. It is next submitted that the petitioner is not the owner of any of the recovered motorcycles in question. The petitioner is in custody since 10.01.2025 and has got three criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 37953 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Banjariya P.S. Case
No. 40 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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