

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26589 of 2025

Arising Out of PS. Case No.-106 Year-2025 Thana- BANJARIA District- East Champaran

Niraj Kumar S/O Late Shambhu Sahani Resident of Village- Chailaha Kothi,
P.S- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Zainul Abedin, APP

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

ORAL ORDER

2 29-04-2025 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. 106 of 2025, instituted for the offences punishable under Sections 274, 275 of the Bharatiya Nyaya Sanhita, 2023, read with Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 35 liters liquor was recovered from litchi orchard and the petitioner was apprehended on spot.

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 alleged recovery has been made from litchi orchard which does not belong to the petitioner and the same is an open place which is easily accessible to public at large. The petitioner is in custody since 18.02.2025 and has got no criminal antecedent. 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. 106 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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