

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29772 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- BANJARIA District- East Champaran

Akshay Sahani son of Shambhu Sahani Vill.- Jhakhia Ps-. Banjariya Dist.-
East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Adv.
For the Opposite Party/s : Ms.Asha Kumari, APP

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

ORAL ORDER

2 01-05-2025 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. 415 of 2024 instituted for the offences
punishable under Sections 274, 275, 317(5) of the BNS and
30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 104.305
litres of liquor has been recovered from the house of the co-
accused Babulal Sahani. It is alleged that the petitioner managed
to flee away from the place of occurrence.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner or from his house rather the recovery has been made from the house of the co-accused Babulal Sahani. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 20.01.2025 and has five criminal antecedents of the similar nature of offences. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned counsel for the petitioner again submits that the co-accused persons have been granted bail by this Court vide orders dated 06.02.2025 & 12.02.2025 passed in Cr. Misc. Nos. 6061 of 2025 and 6178 of 2025 respectively.

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, ***after framing of charge if not already framed***, on furnishing bail 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 Banjariya P.S. Case No. 415 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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