

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30747 of 2025

Arising Out of PS. Case No.-116 Year-2023 Thana- KESARIA District- East Champaran

1. Manoj Sahani S/O Harendra sahani Resident of Village- Banparua, P.S.- Kesariya, District- East Champaran.
2. Saroj Kumar @ Saroj Sahani S/O Harendra Sahani Resident of Village- Banparua, P.S.- Kesariya, District- East Champaran.
3. Ranjeet Sahani S/O Rama Sahani Resident of Village- Banparua, P.S.- Kesariya, District- East Champaran.
4. Rama Sahani S/O Chandan Sahani Resident of Village- Banparua, P.S.- Kesariya, District- East Champaran.
5. Subhash Yadav S/O Mohan Rai Resident of Village- Banparua, P.S.- Kesariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhurendra Kumar, Advocate Mr. Sumit Kumar, Advocate Mr. Sudhanshu Kumar, Advocate
For the Opposite Party/s :		Mr. Pronoti Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 15-05-2025 Heard Learned counsel for the petitioners and

Learned A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Kesariya P.S. Case No. 116 of 2023 lodged on 07.03.2023, for the offence punishable under Sections 272, 273 & 34 of the Indian Penal Code read with sections 30(a), 32 & 41(1) of the Bihar Prohibition and Excise Act pending in the Court of Special Judge, Excise Court No.2, Motihari, East



Champaran.

3. As per the prosecution, FIR has been lodged against the present petitioners. Total recovery of 35 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that nothing has been recovered from the petitioners' possession and their name has come by virtue of disclosure of made by local *chowkidar*. Counsel submits that the alleged recovery has been made from the outskirts of the house of Bachcha Sahani, near neem tree. Counsel further submits that the criminal antecedent of the petitioners are not clean as there are two cases pending against them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that criminal antecedent of the petitioners are not clean as there are two cases pending against them and both cases are registered under Excise Act and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is hereby rejected.

7. However, if petitioners surrenders before the Trial



Court within a period of six weeks from today, then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day considering that whether ingredients of Excise Act is made out against petitioners or not, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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