

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29871 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- YADOPUR District- Gopalganj

Budhan Sahani @ Budhan Sahni S/o Late Sukhdev Sahani R/o Village- Balua
Tola (Sihorwa), P.S.- Jadopur (Yadopur), District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, 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
Jadopur (Yadopur) P.S. Case No. 218 of 2024 instituted for the
offences under Sections 30(a) of the Bihar Prohibition and
Excise Act and Sections 25(1-b)a, 26(1), 35 of the Arms Act.

3. Prosecution case, in short, is that total 221 litres of
country-made liquor, one country-made pistol and one live
cartridge has been recovered from the Boat.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. The
name of the petitioner transpired in this case on the basis of
confessional statement of co-accused Golu Kumar. No specific



overt act is alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the alleged recovery has been made from an open place and this petitioner has no concern with the same at all. It has been submitted on behalf of the petitioner that the petitioner is in custody since 11.02.2025 and has eleven criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. The co-accused person has already been granted bail by this Court vide order dated 04.03.2025 passed in Cr. Misc. No. 13796 of 2025.

5. Learned A.P.P. 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, claim based on parity as also 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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jadopur (Yadopur) P.S. Case No. 218 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) The petitioner shall not leave the territorial jurisdiction of the learned court below without taking its prior permission. If the petitioner violates any condition/s the prosecution will be at liberty to move for cancellation of bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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