

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30037 of 2025

Arising Out of PS. Case No.-564 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Lalu Sahani S/o Bula Sahani R/o Village- Katahan, P.S.- Muffasil, District- East Champaran
 2. Gajendra Sahani S/o Munnilal Sahani R/o Village- Katahan, P.S.- Muffasil, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

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

ORAL ORDER

2 09-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 564 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 70 liters of illicit country-made liquor from the E-rickshaw..

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The



petitioners have not committed any offence as alleged in the F.I.R. The petitioners were neither apprehended on spot nor anything incriminating has been recovered from their conscious possession. The petitioner no.1 has three criminal antecedents of similar nature of offence and the petitioner no.2 has also three criminal antecedents of similar nature of offence as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioners further submits that the co-accused has been granted regular bail by this Court vide order dated 18.01.2025 passed in Cr. Misc. No. 787 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners, stating that both the petitioners have three criminal antecedents each of similar nature of offence and, hence, they do not deserve privilege of anticipatory bail.

7. Having heard learned counsel for the petitioners and taking into account the criminal antecedents of the petitioners, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.



8. Accordingly, the prayer for anticipatory bail of the petitioners, above named, is rejected. If the petitioners surrender before the court below within a period of four weeks from today and pray for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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