

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32908 of 2025**

Arising Out of PS. Case No.-128 Year-2025 Thana- SUGAULI District- East Champaran

1. Brij Kishore Sahani S/O Babulal Sahani R/O Mehwa, P.S- Sugauli, Distt.- East Champaran.
2. Radheshyam Kumar @ Radheshyam Sahai S/O Shivnath Sahani R/O Mehwa, P.S- Sugauli, Distt.- East Champaran.
3. Rajan Sahani S/O Shivnath Sahani R/O Mehwa, P.S- Sugauli, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vishal Prasad

For the Opposite Party/s : Mr. Kanhiya Kishor

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

2      22-05-2025                      Heard learned counsel for the petitioners and learned  
APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. Perusal of the first information report and the seizure list, would go to show that 130 liters of country made liquor is said to have been recovered from the corn field. It has been stated that the present petitioner was arrested while fleeing away with a gallon containing the said liquor.

4. Learned counsel for the petitioners submits that as a matter of fact, no recovery has been made from the physical and



conscious possession of the petitioners and rather the recovery has been made from an open field which is accessible to all. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to the seizure list and the petitioners are in custody since 21.03.2025.

5. Learned APP for the State opposes the prayer for bail on the ground that petitioners have criminal antecedents. In response to the same, learned counsel for the petitioners submits that the petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has two criminal antecedents of the same nature in which they are all on bail.

6. Considering the facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sugauli P.S. Case 128 of 2025, subject to the further condition that:

(i) The petitioners shall cooperate in the investigation/trial.

(ii) The one of the bailors will be a family



member/close relative.

(III) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

**(Soni Shrivastava, J)**

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