

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32495 of 2025

Arising Out of PS. Case No.-259 Year-2025 Thana- Excise P.S. District- Siwan

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1. Jitan Kumar Sahani Son of Umesh Sahani village- Madhwan kati police station- Minapur District -Muzaffarpur
 2. Suraj Kumar Son of Prahlad Sah Village- Kanti, Ps- kanti, dist- Muzaffarpur
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 01-07-2025 Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in a case registered for the offences punishable under Section 30(a) and 32(3) of Bihar Prohibition and Excise Act, 2016. Petitioners are having no criminal antecedent.

3. As per the prosecution case, the police during vehicle check intercepted a vehicle and two persons were apprehended who disclosed their names as Jitan Kumar Sahani and Suraj Kumar (petitioners). On search total 325.920 litres of foreign liquor was recovered.

4. Learned counsel for the petitioners submit that they have falsely been implicated and they have no concern whatsoever with the recovery of liquor. It has been submitted by



the learned counsel that no recovery has been made from the conscious possession and the provisions of Section 103 of B.N.S.S. was not followed. It has lastly been submitted that the petitioners have clean antecedent and they are in custody since 13.04.2025. The learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- each in the account of Advocate Association of the Patna High Court, Patna.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the parties, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, be released on bail on deposition of a sum of Rs. 5,000/- each to the Advocate Association of the Patna High Court, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bonds and thereafter bail bonds of Rs. 10,000/- (Ten thousand) each 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 Siwan Excise (Siwan Sadar) P.S. Case No.



259 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be his close relative and the other shall be local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

Raj Ranjan/-

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