

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31429 of 2025**

Arising Out of PS. Case No.-6 Year-2025 Thana- Raghunathpur District- East Champaran

1. Bhim Sahani, S/o- Ganesh Sahani, Resident of Village-Majhariya, P.S.- Raghunathpur, District- East Champaran.
2. Kedar Sahani @ Kadar Sahani @ Rahul Sahani @ Rahul Kumar, S/o- Binda Sahani @ Binda Sahni, Resident of Village-Majhariya, P.S.- Raghunathpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate  
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, Advocate

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-05-2025                      Heard learned Advocate appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Raghunathpur P.S. Case No. 6 of 2025, registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioners is of involved in trafficking of illicit wine. The police on a secret information conducted raid nearby the bank of Majhariya Baluai river. However, noticing the police party, the petitioners succeeded in fleeing away. In course of search, 45 litres of country made



liquor was recovered.

4. Learned Advocate appearing on behalf of the petitioners taking this Court through the FIR and the seizure list has contended that admittedly the alleged recovery has been made from the bank of Majhariya Baluai river, which is an open place, easily accessible to all. Moreover, there are various other infirmities in the search and seizure, coupled with the fact that the witnesses are none else, but the police personnels. The false implication of the petitioners is said to be the reason of past criminal antecedent as has been disclosed in paragraph no. 3.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and drew the attention of this Court to the criminal antecedent of the petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place easily accessible to all, coupled with the infirmities in the search and seizure as also the lack of any ingredients attracting the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of



this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount **each** to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Raghunathpur P.S. Case No. 6 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

supratim/-

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