

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33171 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- Raghunathpur District- East Champaran

1. Ashok Sahani @ Diwani S/O Ramashis Sahani @ Ramsish Sahni R/O Vill.- Sapahi Britiya, P.S.- Raghunathpur, Dist.- East Champaran.
2. Sunil Sahani S/O Rajeshwar Sahani R/O Vill.- Sapahi Britiya, P.s.- Raghunathpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-05-2025 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Raghunathpur P.S. Case No. 127 of 2024, registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 50 litres of IMFL/country made liquor from the bank of Dhanauti river.

4. It is submitted by learned counsel appearing for the petitioners that alleged illicit liquor recovered from the bed of



Dhanauti river, which is an open place and accessible by general public and, therefore, it can be safely gathered that recovery was not made from physical possession of this petitioner. It is submitted that petition no. 1 found involved in two more criminal cases of similar nature and petitioner no. 2 is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of petitioners, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Court No. 1, East Champaran, Motihari/concerned Court, where the case is pending in connection with Raghunathpur P.S. Case No. 127 of 2024,, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition:-

That the petitioners shall not involve
in similar nature of offence till the conclusion of



trial, failing which, the State shall be at liberty
to move before the learned Trial Court itself for
the cancellation of bail bond of the petitioners.

(Chandra Shekhar Jha, J)

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