

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39181 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- SUGAULI District- East Champaran

Badri Sahani Son of Ram Sewak Sahani Resident of Village- Muswa
Bheriyari, PS- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chitransh Raj, Adv. Mr. Vishal Prasad, Adv.
For the State	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. A perusal of the FIR and the seizure list would go to show that total 80 litres of country made chulai wine is said to have been recovered from two gallons from the possession of one Bhabhichhan Sahani.

4. Learned counsel for the petitioner submits that there is no recovery from the physical and conscious possession of the petitioner and it would be apparent from the FIR itself that the recovery is made from the possession of co-accused Bhabhichhan Sahani who has already been granted bail vide



order dated 27.05.2025 passed in Cr. Misc. No. 33738 of 2025. It is further submitted that the place of recovery is an open place which is easily accessible to all and hence, no liability can be fixed on anyone. There is violation of the mandatory provisions of search and seizure as there is no independent witness to the seizure list. It is also pointed out that the charge sheet has already been submitted against the petitioner and he has been languishing in custody since 21.04.2025.

5. Learned APP for the State, however, opposes the prayer for regular bail on the ground that the petitioner has six criminal antecedents. In response to the same, it is submitted on behalf of the petitioner that he is on bail in all the cases.

6. Taking into consideration the fact that there is no recovery from conscious and physical possession of the petitioner, the above named petitioner is 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 No. 117 of 2025, subject to the following conditions that:

(I) One of the bailors shall be a family member or a close relative of the petitioner, who would give an affidavit giving



genealogy as to how he is related with the petitioner.

(II) The learned Court below shall verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the learned Court below shall take steps for cancellation of bail bonds of the petitioner. However, it is expected that the verification process would be done expeditiously without causing delay.

(III) The petitioner would remain physically present in the learned court below on each and every date during trial till the framing of charges.

(Soni Shrivastava, J)

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