

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40136 of 2025

Arising Out of PS. Case No.-157 Year-2024 Thana- LAKHAURA District- East Champaran

1. Milan Sahani @ Milan Kumar Son of Sonelal Sahani Resident of Village-Ajgarwa, P.S.- Lakhaura, Distt.- East Champaran
2. Ragho Sahani @Raghaw Sahani Son of Sheo Sahani Resident of Village-Ajgarwa, P.S.- Lakhaura, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 26-06-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with Lakhaura PS Case No. 157 of 2024 instituted for the offences under Sections 30(a), 32 & 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 100 liters country made liquor was recovered from boat.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have



got no concern with the alleged recovery of liquor. It is submitted that petitioners were not arrested on the spot and their names have surfaced in this case on the disclosure made by local chowkidar. It is next submitted that petitioners have no concern with the boat in question. The petitioners are in custody since 17-04-2025. Petitioner No. 1 bears seven criminal antecedent/s, whereas petitioner No.2 bears six criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Lakhaura PS Case No. 157 of 2024 , subject to the following condition/s:-

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(IV) If the petitioners are found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of his bail.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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