

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43160 of 2025

Arising Out of PS. Case No.-241 Year-2025 Thana- BANJARIA District- East Champaran

1. Chanchal Kumar, S/o Chuman Prasad R/o Village- Sankar Saraiya, P.S.-Turkauliya, Distt.- East Champaran
2. Kanhaiya Sahani @ Sumit Kumar S/o Late Kameshwar Sahani @ Kameshwar Sahni R/o Village- New Gopalpur/ Raja Bazar, P.S- Motihari Town, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore @ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 04-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Banjariya P.S. Case No. 241 of 2025 for the offences registered under Sections 274, 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution case, 50 litre illicit country made liquor was recovered from a tempo and petitioners were caught on the spot.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is owner of the said tempo and petitioner no. 2 is passenger of the said tempo. Charge-sheet has already been submitted after investigation. There is no compliance of Section



103 of the B.N.S.S. in preparation of seizure-list. Petitioner No. 1 has clean antecedent whereas Petitioner No. 2 has four criminal antecedents out of which one belongs to Excise Act, in all the cases, petitioner no. 2 is on bail. They are in judicial custody since 24.04.2025. Petitioners undertake to co-operate in the trial.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioners, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Motihari, East Champaran in connection with Banjariya P.S. Case No. 241 of 2025, subject to following conditions:-

- (I) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on failure on two consecutive dates without sufficient reason, the trial Court may cancel the bail of the petitioners.

(Sunil Dutta Mishra, J.)

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