

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41284 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- BANJARIA District- East Champaran

1. Sikindar Sahani @ Sikandar Sahani S/O Munilal Sahani @ Munnilal Sahani Resident of Village- Kathan (Katahani), P.S- Muffasil, District- East Champaran.
2. Gajendra Sahani S/O Munilal Sahani @ Munnilal Sahani Resident of Village- Kathan (Katahani), P.S- Muffasil, District- East Champaran.
3. Laloo Sahani S/O Bula Sahani Resident of Village- Kathan (Katahani), P.S- Muffasil, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-07-2025 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

2. At the outset, learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no. 3 namely, Laloo Sahani.

3. Permission, as prayed for, is accorded.

4. Accordingly, the anticipatory bail application with respect to petitioner no. 3 namely, Laloo Sahani is dismissed as withdrawn.

5. Now, this anticipatory bail application survives only for petitioner nos. 1 and 2.



6. The petitioners are apprehending their arrest in a case in connection with Banjariya P.S. Case No. 110 of 2025 dated 18.02.2025, registered for the offences punishable under Sections 274 and 275 of the BNS and under Section 30(a) and 41 of the Bihar Prohibition and Excise Act.

7. As per the prosecution case, 400 litres of illicit country made liquor has been recovered from Ajarwa Tribhuwan Ghat.

8. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. Petitioners are not named in the FIR and name of petitioners transpired on the basis of disclosure made by local chowkidar. No incriminating article has been recovered from the conscious possession of the petitioners, rather the recovery has been made from an open place which is accessible to one and all. Petitioners have no concern with the alleged recovery. Petitioner no. 1 claims clean antecedent and petitioner no. 2 has got four criminal antecedents as mentioned in paragraph no. 3 of the bail application.

9. Learned APP for the State has vehemently opposed the prayer for anticipatory bail petition of the



petitioners.

10. Considering the aforesaid facts and circumstances as well as the nature of allegation against the petitioners, let the petitioners named-above, in the event of their arrest / surrender before the learned Court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari, in connection with **Banjariya P.S. Case No. 110 of 2025**, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, on further condition:

(i) The petitioner no. 2 is directed to remain physically present before the learned trial Court on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner no. 2 is liable to be cancelled.

11. This application stands allowed.

(Chandra Prakash Singh, J)

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