

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43448 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- LAKHAURA District- East Champaran

1. Milan Sahani @ Milan Kumar S/o- Sonelal Sahani Village- Ajarva PS- Lakhaura District- East Champaran
2. Ragho Kumar @ Ragho Sahani S/o- Shiv Sahani @ Sonelal Sahani Village- Ajarva PS- Lakhaura District- 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 : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 02-07-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with
Lakhaura PS Case No. 237 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 210 liters
liquor was recovered from orchard.

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. Learned counsel for the petitioner submits that name of the petitioner has surfaced in this case on the basis of disclosure made by local chowkidar. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioners are in custody since 07-05-2025 and petitioner No. 1 bears seven, whereas petitioner No. 2 bears six criminal antecedent/s, respectively. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 27-06-2025, passed in Cr. Misc. No. 38989 of 2025.

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. 237 of 2024, subject to the following conditions:

(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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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