

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43355 of 2025

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

1. Mukesh Sahani son of Suresh Sahani @ Suresh Sahni Resident Of Village -Ajgarwa Ps- Lakhaura District -East Champaran
2. Rakesh Sahani son of Sonelal Sahani Resident Of Village -Ajgarwa Ps- Lakhaura District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-07-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in connection with Lakhaura PS Case No. 237 of 2024 instituted for the offences under Sections 30(a), 32 & 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 210 litres of liquor was recovered from orchard.

4. Learned counsel for the petitioners submitted that



the petitioners have falsely been implicated in the present case. The name of the petitioners transpired in this case on the basis of disclosure made by Chowkidar. Learned counsel for the petitioner, therefore, contends that *prima-facie* no case is made out against the petitioner. The petitioners have got no concern with the alleged recovery of liquor. The petitioner No. 1 bears eight criminal antecedent, whereas petitioner No.2 bears three criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 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 APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, taking into account the fact that petitioner No.1 bears eight criminal antecedents, whereas petitioner No.2 bears three criminal antecedents, this Court is not inclined to grant them anticipatory bail. Accordingly, prayer for grant of anticipatory bail to the petitioners is hereby *rejected*.

7. However, if the petitioners surrender before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court



below in accordance with law without being prejudiced by the
order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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