

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54047 of 2025

Arising Out of PS. Case No.-415 Year-2024 Thana- BANJARIA District- East Champaran

1. Vishwanath Sahani @ Bishwanath Sahani S/O Bhuwali Sahani R/O Village- Jhakhiya Hathiyahi, Ps- Banjariya, Dist- East Champaran
2. Ajit Kumar @ Ajit Sahani S/O Vishwanath Sahani @ Bishwanath Sahani R/O Village- Jhakhiya Hathiyahi, Ps- Banjariya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend arrest in connection with Banjariya P.S. Case No. 415 of 2024, registered under Sections 274, 275, 317(5) of the Bharatiya Nyaya Sanhita, 2023, read with Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 104.305 liters liquor was recovered from the house of co-accused Babulal Sahani.

4. Learned counsel for the petitioners submits that the petitioners are innocent and has falsely been implicated in the



present case. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the alleged place of recovery does not belong to the petitioners. Learned counsel for the petitioner, therefore, contends that *prima-facie*, no case is made out against the petitioners. Petitioner no. 1 has got one criminal antecedent and petitioner no. 2 has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 09.05.2025 passed in Cr. Misc. No. 29332 of 2025. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioners, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 415 of 2024, subject to the conditions as laid down under



Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita,
2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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