

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55266 of 2025**

Arising Out of PS. Case No.-164 Year-2025 Thana- BANJARIA District- East Champaran

1. Mukesh Sahani S/o- Kapildeo Sahani Resident of Village - Jhakhiya, P.S. - Banjariya, District - East Champaran
2. Anil Sahani S/o- Kapildeo Sahani Resident of Village - Jhakhiya, P.S. - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

2      27-08-2025                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners apprehend arrest in a case registered under Sections 274, 275 of Bharatiya Nyaya Sanhita and Sections 30(a), 35 and 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 16.875 litres of illicit liquor from the road side of NH-28A near the house of co-accused Dinesh Sahani.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case only on suspicion since they have criminal antecedents. Further submission is that petitioners have no concern either



with the seized illicit liquor or with the place of occurrence. No incriminating material has been recovered from the conscious possession of the petitioners. Petitioner no. 1 has three criminal antecedents and petitioner no. 2 has two criminal antecedents. Petitioners undertake to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Motihari, East Champaran in connection with Banjariya P.S. Case No. 164 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 with further conditions:-

(i) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(ii) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iii) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

**(Sunil Dutta Mishra, J)**

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