

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58477 of 2025

Arising Out of PS. Case No.-45 Year-2025 Thana- BANJARIA District- East Champaran

Bhola Sahani S/o- Dhrub Sahani Village- Jhakhiya Ps- Banjriya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

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

ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Banjariya PS Case No. 45 of 2025 instituted for the offences under Section/s 30(a) & 41 of the Bihar Prohibition and Excise Act and Sections 274 & 275 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that 140 liters country made liquor was recovered from gallons at the bank of a river.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted



that name of the petitioner has surfaced in this case on the disclosure made by local *Chowkidar*. The petitioner is in custody since 18.05.2025 and has got seven criminal antecedents but, in all of them, he is on bail. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned counsel for the petitioners again submits that the co-accused namely Chuman Sahni has been granted bail by this Court vide order dated 14.07.2025 passed in Cr. Misc. No. 44354 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya PS Case No. 45 of 2025, subject to the following conditions:

(i) One of the bailors shall be own/close member of the family of the petitioner.



(ii) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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