

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62248 of 2025

Arising Out of PS. Case No.-288 Year-2025 Thana- BANJARIA District- East Champaran

Jitendra Sahani @ Jitendra Kumar Son of Ramjanam Sahani Resident of
village - Jhakhiya, P.S.- Banjariya, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2025 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of
Banjariya Police Station Case No. 288 of 2025, dated
26.05.2025, disclosing offence under Section 30(a)/41 of
the Bihar Prohibition and Excise Act.
3. The prosecution story, as per the First Information Report,
is that on 26.05.2025, the police, on secret information,
reached near the house of the petitioner at Bholachak.
One person, upon seeing the police party, started fleeing
away and succeeded in it. During search, 10 litres of
foreign liquor was recovered near the house of the
petitioner.
4. Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case due to oblique motive and village politics. The name of the petitioner has transpired on the basis of disclosure made by the local choukidar. He next submits that illicit liquor has not been recovered from the conscious possession of the petitioner and/or from the premises belonging to him. Rather, the same has been recovered from near the petitioner's house, which is an open space accessible to all and sundry.

5. Regards being had to the submission made by the parties and taking into consideration the fact that name of the petitioner has transpired on the basis of disclosure by local choukidar and illicit liquor has not been recovered from the conscious possession of the petitioner, rather, the same has been recovered from open space accessible to all and sundry, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each



to the satisfaction of the learned Special Judge, Excise Judge Court No. I, East Champaran, Motihari, in connection with Banjariya Police Station Case No. 288 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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