

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61639 of 2025

Arising Out of PS. Case No.-328 Year-2025 Thana- BANJARIA District- East Champaran

Lalbabu Sahani S/O Late Laldhar Sahani @ Late Lahwar Sahani R/O Vill.-
Jhakhiya Naya Tola, P.S.- Banjariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State Of Bihar 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 ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Banjariya P.S. Case No. 328 of 2025 registered for the offences punishable under Section 30(a), 41 of the Bihar Prohibition and Excise (Amendment) act and section 274 and 275 of B.N.S.

3. As per prosecution case, 150 litre country made liquor was recovered near Chhatghat bank of Majhariya river. Local people and chowkidar disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case. The alleged place of recovery is



Chhatghat and same is open place and petitioner cannot be held liable for the alleged recovery. Petitioner has falsely been implicated in the case due to village politics. Nothing has been recovered from the conscious possession of the petitioner. In the light of aforesaid facts and circumstances, no offence is made out against the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Judge Court No. 1, East Champaran, Motihari in connection with Banjariya P.S. Case No. 328 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

(Alok Kumar Pandey, J)

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