

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64285 of 2025

Arising Out of PS. Case No.-194 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

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Bhushan Sahani @ Bhushan Sahani @ Bharat Bhushan @ Bharat Bhushan
Sahani S/o- Late Hridayanarayan Sahani Resident of Village- Banparua PS-
Dumariaghat District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Dumariyaghat P.S. Case No. 194 of 2025, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. The police, in course of patrolling, on suspicion, conducted a raid nearby the Sarotar Pond, however, noticing the police party, persons assembled there succeeded in fleeing away. Total 80 litres of country-made liquor and other utensils for manufacturing of wine were recovered.

4. Learned advocate for the petitioner submitted that, admittedly, the alleged recovery has been made from an open place nearby a pond which is easily accessible to all. The



disclosure of the name of the petitioner at the instance of local Choukidar also does not inspire confidence as both the persons are residents of different places. Save and except the disclosure made by the local Choukidar, there is no material collected during the course of investigation which suggests the complicity of the petitioner in the crime. All the more, the petitioner is a man of fair antecedent and there are other various infirmities in the search and seizure coupled with the non-compliance of provisions of Section-103 of B.N.S.S.

5. Learned advocate for the State opposed the bail application.

6. Having considered the submissions advanced by learned advocate for the respective parties and taking note of the materials available on record, which do not attract the rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016, coupled with the recovery from an open place and the petitioner having fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Excise Court No.3, East Champaran at Motihari in connection with Dumariyaghat P.S. Case No. 194 of 2025 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

K.C.Jha/-

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