

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65142 of 2025

Arising Out of PS. Case No.-267 Year-2025 Thana- BANJARIA District- East Champaran

Bhola Sahni @ Bhola Sahani S/o Dhruv Sahni @ Dhruv Sahani @ Dhurup
Sahani Resident of village- Jhakhiya (Jhakia), P.S.- Banjariya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

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

ORAL ORDER

2 25-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya P.S. Case No. 267 of 2025, instituted for the offences
punishable under Sections 274, 275 of the Bharatiya Nyaya
Sanhita, 2023, read with Sections 30(a) and 41 of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 175 liters
liquor was recovered from bush 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. Learned counsel for the petitioner also submits that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. It is further submitted that name of the petitioner has transpired in this case on the basis of disclosure made by local chaukidar. The petitioner is in custody since 25.06.2025 and has got nine criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. 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.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya P.S. Case No. 267 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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