

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65879 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- BANJARIA District- East Champaran

Sanjay Sahani Son of Baniee Sahani @ Bani Shhani R/o Village - Chailaha
Kothi, P.S. - Banjariya, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 24-09-2025

Heard learned counsel for the parties.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No. 152 of 2025 registered for the offences under Sections 30(a), 32(1), 32(3), 41(1) and 41(2) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution story, on 07.03.2025, during a raid/patrolling near Kharwa River, police received information about preparation and sale of illicit liquor. On reaching the spot, three persons—identified by the Chaukidar as Sudhish Mahto, Sanjay Sahani (petitioner), and Dinesh Mukhiya—fled from the scene. Despite efforts, police could not catch them. During the search, about 50 liters of country-made liquor was recovered from bushes near the riverbank. As no public witness was willing, the Chaukidar acted as witness, and a seizure list was



prepared accordingly.

4. Learned counsel for the petitioner submits that the petitioner's name has surfaced solely on the basis of the statement of the Chaukidar, whereas he is in no way connected either with the seized articles or with the alleged offence. As per the First Information Report, about 50 litres of country-made liquor was recovered from a bush on the bank of a river, and it is only on the disclosure of the Chaukidar, cited as a independent witness, that the petitioner's has been implicated in this case. It is further submitted that the petitioner has no criminal antecedents and has been falsely roped in the present case due to dirty village politics.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the conscious possession and / or premises belonging to the petitioner, his name has transpired on the basis of disclosure of a local Chaukidaar and the petitioner has no criminal antecedent, accordingly, I am inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Court No.1, East Champaran at Motihari, in connection with Banjariya P.S. Case No. 152 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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