

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71712 of 2025

Arising Out of PS. Case No.-144 Year-2025 Thana- NAYAGAON District- Saran

1. Baban Kumar S/o Surendra Sahani Resident of vill- Baherwa Ganchi, P.S-
Nayagaon, Distt.- Saran at Chapra
2. Surendra Sahani S/o Mirachai Sahani Resident of vill- Baherwa Ganchi, P.S-
Nayagaon, Distt.- Saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Shweta Anand, Adv.

Mr. Kumar Pritam, Adv.

For the State : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Nayagaon P.S. Case No. 144 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, on the basis of secret information it came to fore that petitioners kept foreign liquor at Dinamanjhi Ghat Dam and intended to transport the same. It is alleged that 531.36 litre foreign liquor was recovered from the place of occurrence. Local people disclosed the name of petitioners, who fled away from the spot.



4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that source of information and name of local people have not been disclosed in the FIR, which questions the authenticity of the prosecution story. Place of recovery is an open place and hence, petitioners cannot be held responsible for the alleged recovery. Petitioners bear no criminal antecedent. He further submits that no incriminating article has been recovered from possession of the petitioners. Petitioners were not found at the place of occurrence. Petitioners have no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that name of petitioners finds place in the FIR and hence, petitioners cannot escape from the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd, Exclusive Special Excise Judge, Saran in connection with Nayagaon P.S. Case No. 144 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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