

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73786 of 2025

Arising Out of PS. Case No.-246 Year-2025 Thana- MEHSI District- East Champaran

1. Rajesh Sahani, aged about 30 years, Male, Son of Dhanai Sahani.
2. Anita Devi, aged about 45 years, Wife of Mangal Sahani.
Both residents of Village- Tarapakad, P.S. Mehshi, District- East Champaran.
3. Nawal Sahani, aged about 40 years, Male, Son of Shyamlal Sahani, Resident
of Village- Madhurapur P.S.- Fenhara District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Hemant Ray, Advocate
For the Opposite Party/s	:	Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Mehshi
P.S. Case No. 246 of 2025 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per the prosecution case, total 310.500 liters of
country made liquor was recovered from a plastic bucket hidden
in the Banswari behind the house of Rajesh Sahani.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have committed no offence and
have falsely been implicated in this case merely on the basis of
suspicion. He submits that the recovery is from the bamboo



orchard and garden situated behind the house of the petitioner no. 1, namely Rajesh Sahani. He further submits that the alleged recovery is from a place which is accessible to public at large and the petitioners have been implicated only on the basis of suspicion. He next submits that the petitioners are not the owner of the said bamboo orchard and garden nor from their conscious possession. Petitioners are in custody since 29.08.2025.

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

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Excise Court No. 3, East Champaran at Motihari dated 19.09.2025, it appears that on the basis of written report of the informant namely Naresh Kumar Rai, FIR has been registered under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 against three accused persons including the present petitioners and the allegation is recovery of total 310.500 liters of country made liquor from a plastic bucket hidden in the Banswari behind the house of Rajesh Sahani. There is no any independent witness of the seizure list, so considering all these aspects of the case and submissions of learned counsel for the petitioners, I am inclined to grant bail to the petitioners.



7. Accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.3, Motihari, East Champaran in connection with Mehsi P.S. Case No. 246 of 2025, subject to the condition that the petitioners shall remain physically present before the Trial Court on each and every date fixed till conclusion of the trial.

(Ramesh Chand Malviya, J)

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