

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74217 of 2025

Arising Out of PS. Case No.-315 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

Rajeshwar Sahani S/o Late Hira Sahani @ Hira Shani R/o Village- Balua
Tola, P.S.- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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

ORAL ORDER

2 01-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Kuchaikote PS Case No. 315 of 2025 instituted for the offences
under Section/s 30(a) of the Bihar Prohibition and Excise Act
and Sections 317(5) & 3(5) of the Bharatiya Nyaya Sanhita,
2023.

3. The prosecution case, in short, is that total 99.925
liters liquor was recovered near the house of co-accused along
with a motorcycle.

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. It is submitted that recovery is from an open place, which is accessible to one and all. It is next submitted that petitioner has no concern with the motorcycle in question. The petitioner is in custody since 18.07.2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. 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, clean antecedent of the petitioner 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/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote PS Case No. 315 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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