

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85706 of 2025

Arising Out of PS. Case No.-438 Year-2024 Thana- BANJARIA District- East Champaran

Pravesh Sahani @ Ramesh Sahani @ Ram Pravesh Sahani S/o Dasayi Sahni
Resident of Village- Jhakhiya, P.S.- Banjariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari, Adv

For the Opposite Party/s : Ms. Md. Nazir Ansari, APP

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

ORAL ORDER

2 12-12-2025 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. 438 of 2024, instituted for the offences punishable under Sections 274, 275 of B.N.S. and Sections 30(a), 35 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 69.6 liters liquor was recovered from Jute Sack 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 submits that the recovery is made from an open place, which is accessible to one and all. The petitioner is in custody since 09.09.2025 and has got six criminal antecedents. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 02.07.2025 passed in Cr. Misc. No. 40799 of 2025. 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, ***after framing of charge, if not already framed***, 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. 438 of 2024, 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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