

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88397 of 2025

Arising Out of PS. Case No.-440 Year-2025 Thana- BANJARIA District- East Champaran

1. Vijay Sahani Son of Nandu Sahani Resident of village- Jhakhiya Ps- Banjariya District- East Champaran
2. Manohar Sahani @ Manbir Sahani Son of Jhori Sahani Resident of village- Jhakhiya Ps- Banjariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in connection with Banjariya P.S. Case No. 440 of 2025, dated 16.08.2025 registered for the offences under Sections 274, 275 of the B.N.S. and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the prosecution case, the police has recovered total 260 liters of illicit country-made liquor from the bank of *Jhakhiya* river situated under the *Banjariya* block.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case merely on the basis of village politics. It is next



submitted that the petitioners are in no way connected with the seized articles while the petitioners have clean antecedent. There has been no recovery of any incriminating material from the constructive possession of the petitioners. It is further submitted that the petitioners have no concern with the seized liquor. Lastly, it is submitted that the recovery of the seized article has been made from the bank of *Jhakhiya* river, which is an open place accessible to general public.

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

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 constructive possession of the petitioners, accordingly, this Court is inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, 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) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Judge Court No.1, East Champaran, Motihari in connection with Banjariya P.S. Case



No. 440 of 2025, subject to the condition as laid down under
Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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