

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10940 of 2026

Arising Out of PS. Case No.-141 Year-2025 Thana- DEWARIA District- Muzaffarpur

1. Bhairo Sahani Son of Late Bhikhari Sahani Resident of Hussepur, Naya Tola Police Station - Sahebganj.
2. Avishek Kumar Son of Rajendra Sahani Resident of Hussepur, Naya Tola, Police Station - Sahebganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, the recovery is of 40 liters of liquor from a motorcycle.

4. Learned counsel for the petitioners submits that the name of the petitioners have surfaced in the case on account of suspicion. It is next submitted that no recovery has been made from the physical and conscious possession of the petitioners. It is further submitted that no recovery has been



made from the said motorcycle. It is next submitted by the learned counsel for the petitioners that the motorcycle does not belong to the petitioners.

5. The application is opposed by the learned APP for the State.

6. Considering the fact that no recovery has been made from physical conscious possession of the petitioners and also that the motorcycle in question did not belong to the petitioners, the possibility of petitioners being implicated on the basis of suspicion cannot be ruled out and further given the fact that the search and seizure memo is not witnessed by two independent witnesses and also taking into account the fact that petitioner no. 1 has two criminal antecedents and petitioner no. 2 has one only criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Dewaria P.S. Case No. 141 of 2025, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to



the further condition that:-

(i) the petitioners shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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