

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47335 of 2026

Arising Out of PS. Case No.-147 Year-2026 Thana- BANJARIA District- East Champaran

Jitendra Sahani Son of Rameshwar Sahani Resident of Village- Chichurahiya,
P.S.- Banjariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rahbar Haque, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Banjariya P.S. Case No.147 of 2026 for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that while the informant was on vehicle checking drive and patrolling duty, he received a secret information that in *Chichurahiya Sareh* in the litchi orchard of Sugan Ansari, the petitioner has kept illegal liquor for sale. To verify the authenticity of the said information and after giving information



to the higher police officials, the informant reached near the place of occurrence. One person fled away from there, upon seeing the police party and despite chase, he could not be apprehended. The local Chowkidar identified the person who fled away as the petitioner. Upon search at the place, a yellow gallon was recovered and from the same total 35 litres of country made liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and the country made liquor has been recovered from the litchi orchard of one Sughan Ansari. Even the alleged recovered country made liquor does not belong to the petitioner and the same has been recovered from an open place, which is accessible to all. He further submits that the name of the petitioner has come in the present case on the basis of the identification by the local Chowkidar and the petitioner has got one criminal antecedent bearing Banjariya P.S. Case No.19 of 2026 for committing the same offence, however he is on bail in the said case.

5. *Per contra*, the learned A.P.P. for the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the petitioner is an accused in similar nature of case and therefore he does not deserve the privilege of anticipatory



bail.

6. Having considered the rival submissions and after going through the records, it appears that total 35 litres of country made liquor was recovered from a litchi orchard belonging to Sughan Ansari and the petitioner was not present at the place of occurrence, however the local Chowkidar identified him as the person who had fled away, during course of raid by the police. The place is an open place, which is accessible to all.

7. Taking into consideration the facts aforesaid, let the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Court No.-1, East Champaran, Motihari in connection with Banjariya P.S. Case No.147 of 2026, subject to the conditions laid down under Section 482(2) of the B.N.S.S. with a further condition that:-

The learned court concerned shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court concerned shall take steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the



above-mentioned order shall not be delayed for purpose of or in
the name of verification.

(Ritesh Kumar, J.)

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