

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76105 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- BANJARIA District- East Champaran

1. Sanjay Sahani @ Sanjay Kumar Son of Shambhu Sahani R/O-Village- Jhakiya, PS- Banjariya, Distt.- East champaran
2. Ajay Sahani @ Ajay Kumar Son of Shambhu Sahani R/O-Village- Jhakiya, PS- Banjariya, Distt.- East champaran
3. Akshay Sahani @ Akshay Kumar Son of Shambhu Sahani R/O-Village- Jhakiya, PS- Banjariya, Distt.- East champaran
4. Golu Sahani @ Golu Kumar Son of Shbmahu Sahani R/O-Village- Jhakiya, PS- Banjariya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-02-2026 Defects, as pointed out by office, be ignored for the present.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Banjariya P.S. Case No. 157 of 2024 registered for the offences punishable under Sections 274 and 275 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 30(a) and 45 of the



Bihar Prohibition and Excise (Amendment) Act.

4. The allegation against the petitioners is to have in possession of 750 ml. of foreign liquor and engaged in illegal trading/manufacturing of illicit liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that admittedly illicit liquor not appears to be made from physical possession of these petitioners. It is submitted that search of the premises in view of section 100(4) of the Cr.P.C. not appears followed in the present case. It is pointed out that seizure list appears disputed for the reason that same is not appearing supported by independent witnesses rather by police personal.

6. While explaining criminal antecedent of the petitioners, it is submitted that petitioners found involved in two more case of similar nature, in which they are on bail.

7. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

8. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of



petitioners, accordingly, above-named four petitioners, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari/concerned court in connection with Banjariya P.S. Case No. 157 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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