

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89603 of 2025

Arising Out of PS. Case No.-282 Year-2025 Thana- Raghunathpur District- East Champaran

1. Bittu Kumar S/O Umesh Sahani @ Umesh Sahni R/o vill - Sapahi, P.S.- Raghunathpur, Distt.- East Champaran
2. Akhilesh Sahani @ Bawali S/o Moti Sahani R/o vill - Sapahi, P.S.- Raghunathpur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Advocate
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 07-01-2026 Heard the learned counsel for the petitioners and

learned APP for the State.

2. Petitioners, who are in custody, seeks bail in connection with Raghunathpur P.S. Case No. 282 of 2025 registered for the offence(s) punishable under Section(s) 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, a total of 160 litres of country-made liquor was recovered from bushes near the bank of the river and three persons are said to have fled away from the place of occurrence.

4. The learned counsel for the petitioners submits that the petitioners were neither apprehended at the place of

occurrence nor was any incriminating article recovered from their conscious possession. It is further submitted that petitioner no. 1 has one criminal antecedent and petitioner no. 2 has two criminal antecedents of similar nature and that the petitioners have been falsely implicated in the present case at the behest of local villagers and the local police. The learned counsel lastly submits that the petitioners have clean antecedent and they are in custody since 29.10.2025 and 10.10.2025 respectively.

5. The petitioners are willing and undertakes to deposit a sum of Rs. 5,000/- each with the Advocate Association, Patna High Court.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the petitioners have remained in custody since 29.10.2025 and 10.10.2025 respectively, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is

pending/successor court in connection Raghunathpur P.S.
Case No. 282 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be the local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The bail bond of the petitioners shall be accepted by the learned Trial Court on showing receipt of deposit of aforesaid amount with the Advocate Association, Patna High Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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