

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90598 of 2025

Arising Out of PS. Case No.-436 Year-2025 Thana- BANJARIA District- East Champaran

Sanjay Sahani @ Sanjay Chaudhary S/o Wakil Sahani Resident of Village-
Majhariya, Police Station- Raghunathpur, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection
with Banjariya PS Case No. 436 of 2025 instituted for the
offences under Sections 274 & 275 of the Bharatiya Nyaya
Sanhita, 2023 and Sections 30(a) & 41 of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 100
litres of liquor was recovered from the bank of river.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case.



The name of the petitioner transpired in this case on the basis of disclosure made by local chowkidar. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has three criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Learned counsel for the petitioner, therefore, contends that prima-facie no case is made out against the petitioner.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner bears three criminal antecedent/s, that too of the similar nature, hence, petitioner does not deserve the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case and specifically taking into account the fact that petitioner bears three criminal antecedent/s, that too of the similar nature, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail to the petitioner is hereby *rejected*.

7. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the



order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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