

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1754 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- SONBERSA District- Sitamarhi

Shankar Sah, aged about 40 years, Gender- Male, S/O Khobhari Sah, R/O Village- Parsa, P.S.- Malangwa, Dist.- Sarlahi (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sonbarsa PS Case No.326 of 2024 dated 19.10.2024, instituted for the offence punishable under Section 317(5) of the *Bhartiya Nyaya Sanhita*, 2023.

3. The prosecution case, in short, is that the police personnel got information that some Nepali citizens are smuggling the prohibited goods at large number. On getting this information, the police personnel reached at Sahorwa Bazar and saw one person with two bags of sugar on a motorcycle and he was about to take away the same in Nepal, whereas, another person was standing with another motorcycle. When both the persons saw the police force, motorcycle rider of Pasion Pro



motorcycle bearing registration no. BR 30 T 2955 was fled away leaving the motorcycle, but the motorcycle rider of another motorcycle was apprehended. The registration number on his motorcycle was inscribed as BR 8742 due to which it was not clear that in which district the motorcycle is registered. The apprehended person disclosed his name as Rampukar Mahto, son of Ramdev Mahto, resident of village- Parsa, Malangwa, Sarlahi, Nepal. He disclosed that he has purchased the said motorcycle from the petitioner but did not produce any paper with regard to the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested at the spot, rather, on the basis of disclosure made by the apprehended person, the petitioner has been made accused in this case. The seized motorcycle BR 30 L 8742 was recovered from the possession of the co-accused, Ram Pukar Mahhto. The said motorcycle actually belongs to Azim Ansari, son of Ilyas Ansari, resident of village- Pipra Parasain, PS- Sonbarsa, District- Sitamarhi, and the petitioner has bought this motorcycle from the original owner and he later on sold it to Ram Pukar Mahto. Further submission is that from the seizure list it would appear that two



motorcycles were seized. Another motorcycle bearing registration number BR 30 T 2955 was seized with two bags of of sugar on it. The petitioner has no concern with the said motorcycle and bags of sugar. Lastly, it is submitted that the petitioner is in custody since 20.10.2024 having no antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Sitamarhi, in Sonbarsa PS Case No.326 of 2024, subject to the condition that both the bailors of the petitioner shall be local/Indian citizen.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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