

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6349 of 2025

Arising Out of PS. Case No.-191 Year-2017 Thana- RAJAOLI District- Nawada

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Kaushal Kumar Sah @ Kaushal Kumar Son of Raghunandan Prasad Sah @
Raghunandan Prasad Resident of Village - Maulanchak, P.S.- Islampur,
District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 06-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Rajouli P.S. Case no.191 of 2017 registered under section
30(a) of the Bihar Prohibition and Excise Act, 2016.

3. A perusal of the F.I.R and the seizure list would go
to show that a total of 116.61 liters of foreign liquor is said to
have been recovered from a Bolero vehicle bearing Registration
No. JH09Q-2006 which was coming from Jharkhand side and
the driver of the said vehicle had managed to escape.

4. Learned counsel for the petitioner submits the
petitioner has not been named in the F.I.R and subsequently his
name has transpired during course of investigation on account



of confessional statement made by the petitioner in a case at Jharkhand. The petitioner had no knowledge with regard to the present case as he is residing in Jharkhand. Neither the seized liquor belonged to the petitioner nor any recovery has been made from physical or conscious possession of the petitioner. During course of investigation it transpired that this petitioner was the driver of the said vehicle, however, he was not found or arrested from the place of occurrence as he was residing in Jharkhand. It would appear from the perusal of the case diary that no coercive processes have been issued against the petitioner. On the basis of the confessional statement of the petitioner recorded in a different case, he has been implicated in this case. He undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioner has been made accused in another case at Jharkhand being Bokaro P.S. Case No. 11 of 2017 for offence under Section 306 of the Indian Penal Code. In response to the same, learned counsel for the petitioner submits that he is on bail in the said case.

6. In view of the aforesaid facts of the case, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a



period of four weeks, be released on anticipatory bail in connection with Rajouli P.S. Case no.191 of 2017 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 Court Excise-2, Nawada, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial and would make himself available before the Investigating Officer of the present case on an interval of every 15 days till the submission of the charge-sheet.

(Soni Shrivastava, J)

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