

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10136 of 2025

Arising Out of PS. Case No.-237 Year-2024 Thana- JAYNAGAR District- Madhubani

Jibachh Sah @ Jivachh Sah, aged about 50 years (Male), Son of Chhotelal Sah, Resident of Village- Kalikapur, P.S.- Kaluwahi, Distt.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-03-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jaynagar P.S. Case No. 237 of 2024 dated 23.08.2024, corresponding to G.R. No. 1190 of 2024 registered for the offences punishable under Sections 274, 275, 317(5) read with Section 3(5) of B.N.S.,2023 and Sections 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 827.28 litres of foreign liquor was recovered from the Pick-up Van, 332.640 litres of foreign liquor was recovered from the fertilizer and seed godown of Devendra Prasad Yadav and 4819.35 litres of foreign liquor was recovered from the rice mill and godown of Mukesh



Yadav and Shiv Shankar Yadav.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He was not arrested on the spot. His name has surfaced in the present case as the petitioner is the owner of the Pick-up Van in question from which total 827.28 litres of foreign liquor was recovered. The petitioner had no knowledge that the illegal liquor was loaded on the said vehicle. It is further submitted that other co-accused persons Prabhat Kumar and Sarvjeet Singh, Rajesh Paswan and Ram Sunder Yadav have already been granted bail by another Co-ordinate Bench of this Court vide Cr. Misc. No. 74625 of 2024 under order dated 30.10.2024 and Cr. Misc. No. 74634 of 2024 under order dated 30.10.2024 respectively, annexed as Annexure-P/2 series to the present bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 24.12.2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.



20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-2nd -cum-Special Judge, Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 237 of 2024, corresponding to G.R. No. 1190 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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