

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16796 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- ANDHRAMATH District- Madhubani

Kailash Kumar Sah @ Kailash Kumar Son of Ramnath Sah Resident of
Village- Subbatol, P.S.- Andhramath, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 02-04-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The present application is for grant of anticipatory bail, in connection with Andhramath P.S. Case No.172 of 2024 for offences under Sections 274, 275, 317(5), 3(5) of the B.N.S and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. From the perusal of the First Information Report as also the Seizure List, that a recovery of 22.5 litres of Nepali liquor was made from the dicky of a motorcycle which was being used by one Jibach Kumar Yadav, who was apprehended by the Police during the course of said search and seizure. It is said that the name of the petitioner has been taken by the said



Jibach Kumar Yadav as the person, who had fled away from the scene of occurrence.

4. Learned counsel for the petitioner submits that no recovery has been made from the conscious possession of the petitioner and has been made an accused only on the basis of a statement of co-accused Jibach Kumar Yadav, with whom he had a strained relation. The learned counsel for the petitioner further submits that he is neither the owner nor the driver of the said seized motorcycle and the seizure list has not been signed by any independent witness.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the above facts and circumstances and the petitioner has no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Special Judge, Excise Act, Jhanjharpur, Madhubani, in connection with Andhramath P.S. Case No.172 of 2024, 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 the petitioner shall co-operate in the investigation/trial.

(Soni Shrivastava, J)

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