

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 18921 of 2025**

Arising Out of PS. Case No.-48 Year-2025 Thana- KISHANGANJ District- Kishanganj

Kundan Kumar Sah @ Kundan Sah Son of Vijay Prasad Sha @ Vijay Prasad Sah Resident of Village - Melagati, Ward No.32, P.S. - Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad, Adv.  
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      16-04-2025                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Kishanganj PS Case No. 48 of 2025 dated 29-01-2025, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The allegation is of recovery of 56.4 litres of illicit foreign liquor from the road connecting Juljuli to Kalu Chowk, near Paswan tola.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case merely on the basis of suspicion, owing to the highhandedness of the local police. It is submitted that the



petitioner is not named in the First Information Report (FIR); however, he has been made an accused during the course of investigation merely on the ground that he is the registered owner of the motorcycle allegedly found near the place of occurrence. It is further submitted that no recovery has been made from the said motorcycle. A bare perusal of the seizure list, which is part of the FIR, would show that 56.4 litres of illicit foreign liquor was allegedly recovered from the road connecting Juljuli to Kalu Chowk, near Paswan Tola. However, there is no description in the seizure list to suggest that the said illicit liquor was recovered from the petitioner's motorcycle. Lastly, it is submitted that the petitioner has no criminal 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, in the event of arrest or surrender before the Court below within six weeks from today, 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 learned D. J.II-cum-Exclusive Special Judge, (Excise-1), Kishanganj, in Kishanganj PS Case No. 48 of 2025, subject to the conditions



laid down in Section 482(2) of the Bharatiya Nagarik Suraksha  
Sanhita 2023.

7. The application stands allowed.

**(Khatim Reza, J)**

shyambihari/-

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