

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27259 of 2025

Arising Out of PS. Case No.-34 Year-2025 Thana- BANJARIA District- East Champaran

Jamlal Sah @ Binod Sah @ Jhamman Lal Sah S/o Late Rameshwar Sah
Resident of village- Daroga tola, P.s. - Banjariya, P.s. - Banjariya, Distt.- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
	:	Mr. Abhishek Ray, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. It appears from the first information report and the seizure list that a total of 5.400 litres of foreign liquor has been recovered from behind the house of the accused.

4. Learned counsel for the petitioner submits that the recovery has been made not from the house of the petitioner but from behind the house which is an open area which is accessible to the public at large. Further, the name of the petitioner has surfaced also on the basis of disclosure of the



chaukidar. No recovery has been made from the personal and conscious possession of the petitioner and the mandatory provisions of search and seizure have also not been followed as there is no independent witness to the seizure list.

5. Learned APP for the State however opposes the grant of anticipatory bail on the ground that the petitioner has three criminal antecedents of similar nature. However, in response to the same it has been submitted that the petitioner is on bail in all the three cases.

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 Banjariya P.S. Case No. 34 of 2025 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 Special Judge, Excise Court No.1, Motihari, East Champaran, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

ajay/-

U		T	
---	--	---	--

