

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27107 of 2025

Arising Out of PS. Case No.-438 Year-2021 Thana- DHAKA District- East Champaran

Tara Chand Sah @ Tarachand Sah @ Tarachandra Sah, Gender-Male, aged about 40 years, S/o Late Ram Ashish Sah @ Ramadhish Sah, Resident of village- Piprahi Mesaudha Masaura, Ward No. 06, P.S.- Piprahi, District-Sheohar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Bishweshwar Ram, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 23-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Dhaka (Pachpakri) P.S. Case No. 438 of 2021 dated 04.09.2021 registered for the offences punishable under Sections 30(a), 41(1) and 32 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 2448 litres of Nepali Saufi country made liquor is said to have been recovered from the Pick-up Van.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. It is submitted that the petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of secret information received by the police that the petitioner and other co-accused persons are indulged in the business of illegal liquor but in the F.I.R., the police has not disclosed the name of the person who furnished information to the police. No incriminating article has been recovered from the possession of the petitioner. The petitioner is neither the owner nor the driver of the vehicle in question. He has no connection with the seized illegal liquor. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. The petitioner has no concern with the alleged offence. The petitioner has thirteen (13) criminal antecedents which are of similar nature of offence and in all the cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 16.10.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to 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 learned Exclusive



Special Excise Court No. 01, East Champaran at Motihari in connection with (Pachpakari) P.S. Case No. 438 of 2021 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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