

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30723 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- MAHUAWA District- East Champaran

Jaiswal Sah @ Jai Ishwar Kumar @ Jayswar Sah S/o Paras Sah @ Paras Lal Sah Resident of Village- Bindwasni (Vindvasni), P.S- Mahuawa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjana Srivastava, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Mahuawa P.S. Case No. 19 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered total 78 liters of illicit Nepali liquor from e-rickshaw.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged e-Rickshaw. The petitioner has also no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 24.01.2025 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Arjun Mahto has been granted bail by this Court vide order dated 21.01.2025 passed in Cr. Misc. No. 1395 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into



account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahuawa P.S. Case No. 19 of 2024.

(Rudra Prakash Mishra, J)

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