

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34131 of 2025**

Arising Out of PS. Case No.-235 Year-1998 Thana- MANER District- Patna

Madan Saw @ Madan Sah S/o Late Baban Sao Resident of Village- Rampur  
Diyara, PS- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Binit Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      02-06-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks regular bail in connection with  
Maner P.S. Case No. 235 of 1998, lodged on 01.12.1998, under  
Sections 47(A) of the Excise Act.

3. As per the prosecution, F.I.R. has been lodged  
against two named accused persons, including the present  
petitioner. There is an allegation that the petitioner was selling  
wine in pouches. Upon raid, the police recovered the said  
pouches from the possession of the petitioner, and thereafter, the  
case was lodged under Section 47(A) of the Bihar Excise Act,  
1915.

4. Learned counsel for the petitioner submits that the  
petitioner was granted bail and thereafter furnished the bail  
bond. Counsel further submits that the petitioner is an accused



in Maner P.S. Case No. 235 of 1998, and after furnishing the bail bond, he became absent before the Trial Court since 25.04.2000. He was declared an absconder vide order dated 25.05.2023, and a permanent warrant was issued. Thereafter, he was arrested and forwarded in this case on 11.03.2025 by the police. Counsel further submits that the criminal antecedents of the petitioner are clean, he has been in custody since 11.03.2025, and he is ready to furnish the bail bond, whatever conditions may be imposed by this Hon'ble Court.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner had intentionally not appeared since 25.04.2000, and only after being declared an absconder on 25.05.2023, he was taken into custody on 11.03.2025.

6. After hearing the parties, it transpires to this Court that in the present case, Section 47(A) of the Bihar Excise Act, 1915 is not applicable to the petitioner, rather, Section 47(a) is applicable and this Court feels it necessary to quote Section 47 of the Bihar Excise Act, 1915, which is as follows:—

*“47. Penalty for unlawful import, export, transport, manufacture, possession, consumption, sale etc.-If any person, in*



*contravention of this Act, or of any rule, notification, or order made, issued or given or licence, permit or pass granted under this Act*

*(a) imports, exports, transports, manufactures, possesses, consumes or sells any intoxicant; or*

*(b) cultivates any hemp-plant; or*

*(c) collects or sells any portion of the hemp-plant from which an intoxicating drug can be manufactured or produced; or*

*(d) bottles any liquor for purposes of sale; or*

*(e) works any distillery or brewery; or*

*(f) uses, keeps or has in his possession any material still, utensil, implement, or apparatus whatsoever for the purpose of manufacturing any intoxicant other than tari; or*

*(g) establishes any distillery, brewery or warehouse; or*



*(h) removes any intoxicant from any distillery, brewery, warehouses, other place of storage licensed, established, authorised or continued under this Act;*

*he shall be punished with imprisonment for a term which may extend to three years and shall be liable to fine which may extend to five thousand rupees and in default of payment of fine, he shall be punished with a further imprisonment for a term which may extend to one year :*

*Provided that this punishment shall be-*

*(1) for the first offence he shall be liable for imprisonment for a term which shall not be less than three months and a fine of not less than five hundred rupees and in default of payment of fine, a further imprisonment for a term of fifteen days ;*

*(2) for the second and subsequent offences he shall be liable for imprisonment for a term which shall not be less than six*



*months and a fine of not less than one thousand rupees, and in default of payment of fine a further imprisonment for a term of one month.”*

7. It further transpires to this Court that the punishment for the said offence is imprisonment for a term which may extend to three years, and shall be liable to a fine which may extend to five thousand rupees, in default of payment of fine, he shall be punished with a further imprisonment for a term which may extend to one year. It also transpires to this Court that, for the first offence, the accused shall be liable to imprisonment for a term not less than three months and to a fine not less than five thousand rupees.

8. Admittedly, the petitioner has been in custody since 11.03.2025, and today is 02.06.2025. Only a few days are left for the completion of three months.

9. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) as mentioned in Section 2(1) (d) of the BNSS, 2023 to the satisfaction of Sessions Judge, Patna, in connection with Maner P.S. Case No. 235 of 1998, subject to the



following conditions as laid down under Section 480(3) of the BNSS.

10. It is further directed to the Trial Court that the final decision with regard to the petitioner shall be taken in the light of Section 47(a) of the Bihar Excise Act, 1915, and the case of the petitioner shall be concluded in accordance with law, bearing in mind that a speedy trial is the constitutional vision of justice.

**(Dr. Anshuman, J.)**

Aman Kumar/-

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