

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35192 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- Narhiya District- Madhubani

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Rambabu Sah S/o Ramavtar Sah R/o Village- Jhitaki, P.S.- Narhaiya, District-
Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Baleshwar Kamat, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in para 13 of the bail petition during course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in connection with Narhaiya P.S. Case No. 21 of 2025, G.R. No. 176/ 2025 registered for the offences punishable under Sections 274, 275, 3(5) of B.N.S. and Section 30(a) of Bihar Prohibition (Amendment) Excise Act.

4. As per prosecution case, 21.300 litre illicit country made liquor was recovered from a sack which was kept beside



cattle house of the petitioner.

5. Learned counsel for the petitioner submits that in the impugned order dated 19.04.2025 it has been mentioned that petitioner has three criminal antecedent but in para-3 of the present bail petition, it has been mentioned that petitioner has never been made accused in any case, save and except the present case and in impugned order it has inadvertently been mentioned that petitioner has three criminal antecedent, which is quite incorrect. Learned counsel for the petitioner has brought order dated 19.04.2025/ 06.05.2025 passed by Special Judge, Excise Act, Jhanjharpur in ABP No. 200 of 2025 in which it has been mentioned that petitioner has no criminal history. Aforesaid order dated 19.04.2025/ 06.05.2025 is kept on record. Learned counsel further submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. No incriminating article has been recovered from conscious possession of the petitioner rather the alleged recovery has been made from a sack which was kept beside the cattle house of the petitioner which is an open place and same is accessible to all and petitioner cannot be held responsible for the alleged recovery. He further submits that petitioner was not found on the place of occurrence.



Petitioner has no concern with the seized liquor. Seizure list has not been made as per statutory provision of Section 103 of B.N.S.S. Apart from that, petitioner bears no criminal antecedent, as mentioned in order dated 19.04.2025/06.05.2025. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge, Excise, Jhanjharpur, Madhubani in connection with Narhaiya P.S. Case No. 21 of 2025, G.R. No. 176/ 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.



8. The application stands allowed.

(Alok Kumar Pandey, J)

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