

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33727 of 2025

Arising Out of PS. Case No.-246 Year-2024 Thana- KURSAILA District- Katihar

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Rajesh Kumar Sah @ Rajesh Kumar S/o Om Prakash Sah Resident of
Village- Patel Chauk, Mirganj, P.S.- Begusarai Town, District- Begusarai
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate

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

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 27-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Kursaila P.S. Case no.246 of 2024
registered under section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per F.I.R, there is recovery of 142.35 litres of
foreign liquor from five bags carried out by three apprehended
persons including the petitioner herein.

4. Learned counsel for the petitioner submits that
petitioner was only the passenger in the bus from where he was
taken into custody on the spot whereas he has no concern with
the said bags or the seized liquor. No recovery has been made



from physical or conscious possession of the petitioner. He further submits that no independent witness is there on the seizure list further indicating violation of mandatory provisions of the B.N.S.S. The petitioner is in custody since 25.12.2024 and undertakes to cooperate in the case/trial. Charge-sheet has been submitted in the case.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the above mentioned facts of the case, the petitioner is directed to be enlarged on bail in connection with Kursaila P.S. Case no.246 of 2024 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 Exclusive Special Excise Judge-II, Katihar.

(Soni Shrivastava, J)

Harsh/-

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