

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45783 of 2025

Arising Out of PS. Case No.-152 Year-2024 Thana- SAHIYARA District- Sitamarhi

Ravindra Kumar S/o Surendra Mahto R/o Village- Bhaluaha (Hanuman Nagar), P.S.- Sonbarsa, District- Sitamarhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvottam Anand, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(App), APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Sahiyara P.S. Case No. 152 of 2024 instituted for the offences under Section 317(5) of the Bhartiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 1575 liters of illicit Nepalese wine from the vehicle being Mahindra Bolero Pick-up bearing Regd. No. BR06GG2983.

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. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The name of the petitioner has transpired in this case because of his being the owner owner of the alleged vehicle. He further submits that the alleged vehicle was used to run for commercial purpose by the driver of the petitioner and the petitioner was not aware of the fact that his vehicle was being used for carrying illicit liquor. The petitioner has 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 eight criminal antecedents and is languishing in judicial custody since 09.04.2025 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has eight criminal antecedents.

6. 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, let the petitioner, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sahiyara P.S. Case No. 152 of 2024,



subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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