

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50985 of 2025

Arising Out of PS. Case No.-98 Year-2024 Thana- DEODHA District- Madhubani

Kailash Kumar Sah @ Kailash Sah Son of Laxmeshwar Sah R/o Village
-Union Tol, Police Station -Jaynagar District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md Soban Asghar, Adv.

For the Opposite Party/s : Ms.Meena Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 04-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Deodha
P.S. Case No. 98 of 2024 (G.R. No. 1575 of 2024) instituted for
the offences under Sections 274, 275, 3(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 540 liters of illicit Nepali liquor from altogether four
motorcycles and one Scorpio.

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 petitioner has no concern with the seized liquor. There is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is the owner of the motorcycle bearing Regd. No. BR07AG-4050. He further submits that as a matter of fact, the relative of the petitioner had taken his motorcycle from his house for medical emergency. The petitioner was not arrested on the spot and his name has surfaced in this case on the basis of the disclosures made by the local *Chowkidar*. The petitioner has never indulged either in manufacturing or trading of the illicit 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 04.06.2025 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.

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 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 Deodha P.S. Case No. 98 of 2024 (G.R. No. 1575 of 2024).

(Rudra Prakash Mishra, J)

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