

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52393 of 2025

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

Laxmeshwar Sah S/O Late Biltu Sah R/o- Union Tol, P.S.- 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 : Mr.Mithlesh Kumar Khare, APP

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

ORAL ORDER

2 07-08-2025 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.

2. The petitioner has earlier moved before a Co-
ordinate Bench of this Court with a prayer for anticipatory bail
which was rejected vide order dated 06.03.2025 passed in Cr.
Misc. No. 7614 of 2025.

3. As per prosecution case, the police has recovered
total 540 liters of illicit Nepali liquor from 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 either with the seized liquor or the alleged Motorcycles and the Scorpio. 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 four criminal antecedents and is languishing in judicial custody since 03.05.2025 without any rhymes or reason.

5. Learned counsel for the petitioners again submits that the co-accused namely Prakash Sahni has been granted bail by this Court vide order dated 23.07.2025 passed in Cr. Misc. No. 47395 of 2025.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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