

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51751 of 2025

Arising Out of PS. Case No.-109 Year-2024 Thana- KATIHAR MUFFASIL District- Katihar

Kanhaiya Sah @ Kishu @ Kanhaiya Kumar Sah, age 26 years, Male, S/o-
Ashok Sah @ Ashok Kumar @ Ashok Kr. Sah, R/o- Bhorabari, P.S- Muffasil,
Dist- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party : Mr. Abhay Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 07-08-2025 Learned counsel for the petitioner is permitted to
make necessary correction in paragraph no. 3 of the present bail
application, in course of the day.

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

3. The petitioner has preferred this application for
grant of regular bail in connection with Muffasil P.S. Case No.
109 of 2024, dated 21.05.2024, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

4. As per the prosecution case, total 24 litres of beer
was recovered from the Pick-up Van, 600 litres of beer was



recovered from the poultry farm of the co-accused Manoj Sah and 48 litres of beer was recovered from the house of the co-accused Manoj Sah and Kanhaiya Sah (petitioner).

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there is general and omnibus allegation of recovery of illicit liquor from the Pick-up Van, Poultry Farm and house in question. It is further submitted that the petitioner was not arrested on the spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged offence. It is pertinent to mention here that earlier the petitioner was granted anticipatory bail by another Co-ordinate Bench of this Court in Cr. Misc. No. 45087 of 2024 vide order dated 12.07.2024, annexed as Annexure-1 to the present bail petition but due to lack knowledge of the pairvikar of the anticipatory bail application regarding the criminal antecedent, the bail bond of the petitioner could not be furnished. There is no statutory compliance of Section 100(3) of the B.N.S.S, 2023. The other co-accused persons, namely, Abhijeet Yadav @ Kirti Yadav @ Kriti Yadav @ Abhijeet Kumar in Cr. Misc. No. 63494 of 2024 vide order dated 19.09.2024, Guddu Kumar @ Guddu Kumar



Yadav in Cr. Misc. No. 48199 of 2024 vide order dated 09.07.2024, Anish Kumar and Manu Kumar in Cr. Misc. No. 49561 of 2024 vide order dated 10.07.2024 have already been granted bail by a Bench of this Court, annexed as Annexure-3 series to the present bail petition. The petitioner has seven criminal criminal antecedents as stated in para 3 of the bail application. The petitioner is in custody since 25.06.2025.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Katihar, in connection with Muffasil P.S. Case No. 109 of 2024 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.



8. The application stands allowed.

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(Chandra Prakash Singh, J)

