

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57963 of 2025

Arising Out of PS. Case No.-59 Year-2025 Thana- TARARI District- Bhojpur

Niraj Kumar @ Niraj Sah S/o Rudal Sah, Resident of Village- Majhiaon, P.S.-
Hasan Bazar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Tarari P.S. Case No.59 of 2025 instituted under Section 30(a) of
Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of
100 litre illicit country made liquor from the sack which was
kept on motorcycle bearing Registration No. JH-01CL-4132 and
co-accused Bablish Kumar @ Abhishek was arrested on the spot
who disclosed the name of petitioner as one of them who fled
away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case only on the basis suspicion. He further submits that



petitioner was not present on the spot and no incriminating article has been recovered from his conscious possession. Learned counsel submits that the name of petitioner surfaced in this case on the basis of disclosure statement made by the arrested co-accused person due to ulterior motive. He further submits that petitioner is neither owner of the seized motorcycle nor he has any concern with the alleged seized liquor. Learned counsel submits that there is no independent witness to the seizure list. He further submits that similarly situated co-accused, namely, Dharmendra Singh had been granted anticipatory bail by the Co-ordinate Bench of this Court *vide* order dated 27.06.2025 passed in Cr. Misc. No.40667 of 2025. Learned counsel submits that petitioner is in custody since 20.06.2025, having eight criminal antecedents, out of which two cases are of similar nature and charge sheet had already been submitted in this case after completion of investigation. He further submits that there is no likelihood of absconding the petitioner or tampering with the evidence and he undertakes to cooperate in the trial.

5. Learned APP for the State has opposed the prayer for regular bail of the petitioner.

6. Considering the facts and circumstances of the



case, submissions of learned counsel for the parties and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No.II, Bhojpur at Ara in connection with Tarari P.S. Case No.59 of 2025 with following conditions:-

(i) The petitioner shall appear on each and every date before the learned Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the learned Trial Court;

(ii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iii) The petitioner shall desist from committing any such criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Sunil Dutta Mishra, J)

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