

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61447 of 2025

Arising Out of PS. Case No.-191 Year-2025 Thana- RAMGARH District- Kaimur (Bhabua)

1. Akhtar Ali @ Akhtar Ali Sai S/O Md Ali Sai Resident Of Village- Masarhi Chowk, P.S.- Ramgarh, District- Kaimur
2. Nur Mohammad Sai S/O Md Ali Sai Resident Of Village- Masarhi Chowk, P.S.- Ramgarh, District- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate.
For the State	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 24-09-2025 At the outset, learned counsel for the petitioner is seeking permission to withdraw the present petitioner on behalf of the petitioner No. 2/Nur Mohammad Sai, because he has already been arrested.

2. Permission is accorded.

3. Accordingly, the present petition on behalf of petitioner No. 2/Nur Mohammad Sai, stands withdrawn.

4. Heard learned counsel for the petitioner and learned APP for the State.

5. The petitioner seeks bail, apprehending his arrest, in connection with Ramgarh P.S. Case No. 191 of 2025, dated 21.05.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

6. As per allegation, 34 litres of illicit liquor has been



recovered from the house of co-accused Md. Ali Sai and as per further case of the prosecution, the petitioner and accused Noor Mohammad Sai had succeeded in fleeing away from the place of recovery.

7. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that recovery of contraband has been made from an open space accessible to public at large and the entire case of the prosecution is based on suspicion and there is no cogent material to connect the petitioner to the alleged offence. He also submits that no *prima facie* case is made out against the petitioner and hence, the present petition is maintainable and the petitioner No. 1/Akhtar Ali @ Akhtar Ali Sai, deserves to be enlarged on anticipatory bail.

8. It is also stated in paragraph no. 2 of the bail petition that the petitioner No. 1 has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

9. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

10. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.



11. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner No. 1, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned court below in connection with Ramgarh P.S. Case No. 191 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S 2023, and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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