

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66152 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- MADHWAPUR District- Madhubani

1. Jay Prakash Sah Son of Vishwanath Sah Resident of Village - Kadirabad Neem Pokhar, P.O.- Lalbagh, P.S.- L.N.M.U., Darbhanga, District - Darbhanga.
2. Munna Sahani Son of Shiv Kumar Sahani Resident of Village - Shahganj, Benta, P.S.- Benta, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Madhwapur P.S. Case No. 111 of 2025 registered for the alleged offences under Sections 274, 275, 3(5) of B.N.S. and Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, the petitioners were apprehended while bringing illicit liquor from Nepal to India in a car and recovery of 270 litres of country made Nepali liquor and 12 litres of beer was made from the said car.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners as the recovery of 282 litres of illicit liquor was made from a car and the petitioners have no concern with the said car. The car belongs to one Hemant Kumar who is said to have transferred it to one Anil Kumar Ellani. There is no independent witness to the search and seizure and there is complete violation of Sections 103 and 105 BNSS. The petitioners have got no criminal antecedent. The petitioners are in custody since 08.08.2025.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise Court), Madhubani/concerned Court in connection with Madhwapur P.S. Case No. 111 of 2025, subject to the conditions mentioned



in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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