

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67578 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- BHANGHA District- West Champaran

Santosh Sah Son of Shambhu Sah Resident of Village- Jhumka, P.S.- Inarwa,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

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

ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioner and Mrs.
Renu Kumari, learned APP for the State.

2. The petitioner seeks bail in connection with Bhangaha P.S. Case No. 40 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 412 liters of illicit country-made liquor from the jute sack kept besides a river.

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 due to dirty village party politics. He further submits that



nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner was not apprehended from the place of occurrence rather his name has surfaced in this case on the basis of the confessional statement of the co-accused SK Sallauddin recorded before the police which has no evidentiary value in the eye of law. The petitioner has never indulged either in manufacturing or trading of the illicit liquor. 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 two criminal antecedents and is languishing in judicial custody since 25.08.2025 without any rhymes or reason.

5. Learned counsel for the petitioners again submits that the co-accused namely Mota Sah @ Rambalak Sah has been granted bail by this Court vide order dated 01.08.2025 passed in Cr. Misc. No. 53347 of 2025. Co-accused Sanoj Sahani has also been granted bail by this Court vide order dated 08.08.2025 passed in Cr. Misc. No. 55716 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 and the prayer for bail being based on parity, 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 Bhangaha P.S. Case No. 40 of 2025.

(Rudra Prakash Mishra, J)

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