

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68905 of 2025

Arising Out of PS. Case No.-291 Year-2025 Thana- RUNISAIDPUR District- Sitamarhi

Bhola Sah, aged about 43 years, male, S/o Late Harishchandra Sah @
Harichandra Sah Resident of Village- Pachnaur, P.S.- Belsand, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Runnisaidpur PS. Case No. 291 of 2025 dated 06-08-2025,
instituted under Sections 317(2), 317(1), 317(4), 317(5) of the
BNS Act and Section 30(a) of the Bihar Prohibition and Excise
Act.

3.The allegation is of recovery of 16 litres 50 ML
foreign liquor from the possession of three apprehended co-
accused persons, along with two motorcycles and two mobile
phones, who disclosed the name of the petitioner from whom
they purchased the said seized liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. It is further submitted that no incriminating articles have been recovered from the conscious possession of the petitioner or from his house. The petitioner was not apprehended at the spot and only on the basis of disclosure made by the apprehended co-accused persons, the petitioner has been made an accused in the instant case. The petitioner has no concern with the seized motorcycles or seized foreign liquor. Lastly, it is submitted that the petitioner has three criminal cases pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1 Sitamarhi, in Runnisaidpur PS. Case No. 291 of 2025 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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