

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71564 of 2025

Arising Out of PS. Case No.-166 Year-2024 Thana- PARSAUNI District- Sitamarhi

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Rohit Sah @ Rohit Kumar, Son of Harischandra Sah @ Harichandra Sah,
Village -Dhangar, P.S.- Parsauni, Dist -Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mrs. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Parsauni P.S. Case No. 166 of 2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. In course of checking, the police on a secret information conducted raid, however, noticing the police party, the persons, who were coming on a motorcycle, succeeded in fleeing away after throwing the sack. The police also intercepted a Tempo and in course of search, total 136.500 litres of country made liquor and 6 litres of Indian made foreign liquor were recovered. The apprehended person disclosed the name of the petitioner, who succeeded in fleeing away.

4. Learned Advocate for the petitioner submitted that



only on account of past criminal antecedent of the petitioner, his name has been implicated in this case. The petitioner has neither any concern with the motorcycle and Tempo, in question, nor with the alleged recovered illicit liquor. Other infirmities in the search and seizure have also been pointed out, besides non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. During the course of investigation, no other material has been collected suggesting the complicity of the petitioner, save and except the disclosure made by the apprehended person. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that besides three criminal antecedent of the petitioner, his involvement has been found in the trade of illicit liquor.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner, besides the infirmities in the search and seizure and the lack of the materials which attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and



Excise Act, 2016, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, 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, Excise Court-2, Sitamarhi in connection with Parsauni P.S. Case No. 166 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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