

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81077 of 2025

Arising Out of PS. Case No.-9 Year-2013 Thana- Excise P.S. District- East Champaran

Ram Babu Sah S/o Late Raghunath Sah R/o Village - Dharan Tola Madhuban
Bediban, P.S - Pipra, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

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

ORAL ORDER

2 27-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 09 of 2013, instituted for the offences punishable
under Section 47(a) of the Bihar Prohibition and Excise Act.

3. Earlier, anticipatory bail was granted to the
petitioner by a co-ordinate Bench of this Court vide order dated
09.09.2024 passed in Cr. Misc. No. 64947 of 2024 but the
petitioner could not surrender before the learned Court below
within the stipulated time. Thereafter, the petitioner filed
modification application for extension of time which was also
rejected by the co-ordinate Bench of this Court vide order dated
10.01.2025 passed in Cr. Misc. No. 88831 of 2024 and then the



petitioner again filed modification application which was dismissed as withdrawn by the co-ordinate Bench of this Court vide order dated 26.09.2025 passed in Cr. Misc. No. 70550 of 2025.

4. The prosecution case, in short, is that 1490 liters liquor was recovered near the house of the petitioner.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submits that the alleged recovery has been made near the house of the petitioner which is an open place and the same is easily accessible to the public at large. It is further submitted that name of the petitioner has transpired on the basis of secret information received by the police and the petitioner has got no concern with the alleged place of recovery. The petitioner is in custody since 16.09.2025 and has got three criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 09 of 2013, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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