

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85924 of 2024

Arising Out of PS. Case No.-397 Year-2022 Thana- Excise P.S. District- Vaishali

Shambhu Sah Son of Sita Ram Sah R/O-village - Konhara Ghat, P. S - Nagar,
District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Excise P.S. Case No. 397/ 2022 registered on 11.12.2022 for the offences punishable under Sections 30(a)/32(i), (3)/41(1) (2) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution, a total recovery of 150 liters of country-made liquor, loaded on an auto-rickshaw, is the subject matter of the present case.

4. It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has committed no offence. The petitioner is not named in the F.I.R.; however, his name surfaced during the course of investigation as he is the



registered owner of the vehicle from which the alleged recovery was made. On earlier occasions, a report regarding the criminal antecedents of the petitioner was called for, and as per the report received, the petitioner has a clean record with no criminal antecedents. It is further submitted that a document evidencing the sale of the said auto-rickshaw to another person had been placed before the Trial Court and has been acknowledged in the ordersheet. However, due to an inadvertent error, the said document could not be brought on record before this Hon'ble Court.

5. Learned APP for the State opposes the prayer for bail and submits that the document in question was indeed produced before the Sessions Court, and the Court has acknowledged in its ordersheet that the sale document pertaining to the auto-rickshaw was presented before it.

6. Considering the fact that the petitioner has no criminal antecedents and has produced the document evidencing the sale of the auto-rickshaw in question before the learned Sessions Judge, let the above named petitioner be released on bail, in the event of arrest or surrender before the Trial Court within a period of four weeks from today, on furnishing bail bond of ₹30000/- (thirty thousand) as mentioned in Section 2(1)



(d) of the Bharatiya Nagrik Suraksha Sanhita, 2023 to the satisfaction of the Exclusive Special Judge, Excise-II, -cum- ADJ Hajipur, Vaishali, in connection with Excise P.S. Case No. 397/ 2022, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Dr. Anshuman, J)

Ashwini/-

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