

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.471 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- BABUBARHI District- Madhubani

Kamal Narayan Sahu Son of Ram Prasad Sahu Resident of village-
Narayanpur PS -Manigachhi District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-02-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Babubarhi PS case no. 254 of 2024, disclosing
offences punishable under Sections 272, 273, 467, 468/34 of the
Indian Penal Code and Sections 30(a) and 41 of Bihar
Prohibition and Excise Act.
3. The prosecution story, as per the First Information
report, is that upon information that one person was selling
illicit liquor by sitting on a motorcycle at village- Chourhi near
Banarjhulla Pokhar Mahar, the informant along with police
force went at the said place of occurrence. Upon seeing the
police party, he tried to flee away but he was apprehended and
disclosed his name as Sunder Paswan. Total 10 liters of illicit



Nepali countrymade liquor and one motorcycle were recovered. Petitioner has been made accused in this case on the basis of being the owner of the said motorcycle.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he has not committed any offence in the manner alleged. He further submits that though the illicit liquor has been recovered from the motorcycle of the petitioner but at the time of occurrence, the motorcycle was borrowed by co-accused Sunder Paswan for some urgent work. Petitioner is stated to be having no criminal antecedent.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the alleged motorcycle was borrowed by co-accused at the time of occurrence as also the fact that petitioner is having clean antecedent, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Addditional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani in connection with Babubarhi PS case no. 254 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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