

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22381 of 2026

Arising Out of PS. Case No.-393 Year-2023 Thana- MIRGANJ District- Gopalganj

Rambabu Sah @ Rambabu Kumar Son of Shivji Prasad @ Shivjee Sah R/o
Village - Lakri Dargah, P.S.- Barharia, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepankar Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-04-2026 Heard Mr. Deepankar Raj, learned counsel for the

petitioner and Mr. Ajit Kumar, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
10.02.2025 in connection with Mirganj P.S. Case No. 393 of
2023, F.I.R. dated 18.10.2023 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 22.400 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession of the petitioner rather the recovery has
been made from co-accused, namely, Lal Bahadur Kumar who



disclosed that he purchased the said liquor from the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation which suggest the involvement of the petitioner in the present occurrence. It appears from the seizure list that there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 10.02.2025.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten criminal antecedents other than the present one but fairly submits that he is on bail in seven cases and rest three cases are pending for consideration before the competent court of law.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner, on the basis of disclosure made by the co-accused the name of the petitioner has been transpired in the present case and there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioner, above named, 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 the learned District & Additional Sessions Judge-IV-cum-



Exclusive Special Excise Court-II, Gopalganj in connection with Mirganj P.S. Case No. 393 of 2023 subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed 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. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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