

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30325 of 2026

Arising Out of PS. Case No.-220 Year-2024 Thana- DEWARIA District- Muzaffarpur

Lalu @ Samiullah Khan @ Shamullah Khan @ Lalu Khan S/O Shamim Alam
@ Samim Alam R/O Village- Budanpur @ Budhanpur @ Kudhanpur, P.S-
Dewariya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Deoria P.S. Case No. 220 of 2024 registered for the alleged offences under Sections 274, 275 r/w 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received secret information about co-accused persons bringing a consignment of liquor and offloading it from a truck to a Scorpio vehicle and raiding team reached the spot, some persons fled away from there and recovery 1645.704 liters of foreign liquor was made from the Scorpio vehicle and the nearby place. The name of the



petitioner transpired during investigation for also being involved in the said occurrence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern with the seized liquor or the vehicle or the place from where the seizure has been shown. Learned counsel further submits that similarly placed co-accused Golu Kumar along with co-accused Amod Kumar have been granted anticipatory bail by a learned Co-ordinate Bench vide order dated 06.03.2025 passed in Criminal Misc. No. 3747 of 2025. The petitioner is having antecedent of six cases of similar nature and he is on bail in five such cases. The petitioner is in custody since 13.03.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner appears to be a habitual offender.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the



period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Muzaffarpur/court concerned in connection with Deoria P.S. Case No. 220 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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