

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33199 of 2026

Arising Out of PS. Case No.-304 Year-2025 Thana- MUSAHARI District- Muzaffarpur

Bihari Sah @ Bihari Kumar S/o Lagan Sah R/O Village- Nayagaon, PS-
Musahari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

2 13-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. As prayed by the learned counsel for the petitioner
Defect No. 6 is ignored as pointed out the by the Registry at the risk
of the petitioner.

3. The petitioner is apprehending his arrest in connection
with Musahari P.S. Case No. 304 of 2025 registered for the offences
punishable under Sections 30(a)of the Bihar Prohibition and Excise
Act.

4. The prosecution case is that 432 liters of *foreign liquor*
was recovered from the vacant field near husk.

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. The petitioner has got
one criminal antecedent.



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

7. Considering the aforesaid facts and circumstances of the case that the recovery was made from the motorcycle which does not belong to the petitioner and thus no *prima facie* case is made out against petitioner, this court is inclined to grant anticipatory bail to the petitioner.

8. Let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise Court No. III, Muzaffarpur/concerned Court in connection with Musahari P.S. Case No. 304 of 2025 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

9. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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