

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32497 of 2026

Arising Out of PS. Case No.-95 Year-2026 Thana- KHAJAU LI District- Madhubani

1. Lal Babu Shah S/o Ajit Sah Resident of Village - Maniarwa Ward no 3, P.S. - Khajauli, District - Madhubani.
2. Lakshman Kumar Shah @ Laxman Kumar Sah S/o Premlal Shah Resident of Village - Maniarwa Ward no 3, P.S. - Khajauli, District - Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Subhash Kumar Jha, Advocate
For the State	:	Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-05-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. At the outset, learned counsel for the petitioners seeks and is granted permission to make necessary correction in paragraph no. 1 of the present regular bail petition by inserting Section 30(a) of the Bihar Prohibition and Excise Act, which has inadvertently not been mentioned earlier, in the course of the day.

3. In the present case, the petitioners seek bail in connection with Khajauli P.S. Case No. 95 of 2026, dated 08.04.2026, registered for the offences punishable under Sections 274 and 275 read with Section 3(5) of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.



4. As per the prosecution case, during vehicle checking, the petitioners tried to run away from the Police party, but they were apprehended and on search of the vehicles, recovery of 135 litres of illicit country made Nepali liquor was made.

5. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. Nothing incriminating has been recovered from person or possession of the petitioners. Petitioner no. 1 is the driver and petitioner no. 2 is the owner of the seized vehicle, but nothing incriminating has been recovered from this vehicle and the story of recovery of illicit liquor is false and concocted. There are no independent witnesses to the seizure and there is violation of Sections 103(3) and 103(8) of the B.N.S.S., 2023. Learned counsel next submits that petitioners are having antecedent of one case of similar nature. Learned counsel lastly submits that petitioners are in custody since 09.04.2026.

6. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioners and submits that petitioners are having antecedent of one case of similar nature.



7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners, the petitioners, above-named, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Madhubani / concerned Court, in connection with **Khajauli P.S. Case No. 95 of 2026**, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other 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, if so required by the learned trial Court.

(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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