

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37051 of 2026

Arising Out of PS. Case No.-137 Year-2026 Thana- MUSAHARI District- Muzaffarpur

Naresh Sah Son of Late Upendra Sah Resident of Village- Baikatpur Laxmi
Chowk PS- Musahari District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 18-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Musahari P.S. Case No.137 of 2026 registered for the offence punishable under Sections 30(a), 33, 34, 36 of the Bihar Prohibition and Excise (Amendment) Act.

3. The case of the prosecution, in short, is that in the mango orchard of Manoj Shah altogether 72 litres of spirit was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that one Guddu Kumar was apprehended near the place of occurrence. Guddu Kumar and local chawkidar have named this petitioner. Learned counsel for the petitioner has submitted that nothing has been recovered



from the possession of the petitioner. It has been submitted that the witnesses of the seizure list are police personnel and police have not complied Section 105 of the BNSS while making seizure. It has been submitted that the petitioner is in judicial custody since 07.04.2026.

5. The application for bail is opposed by learned APP for the State. It has further been submitted that the petitioner is having criminal antecedent of ten cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail with the following conditions:-

(i) the petitioner shall co-operate in the trial;

(ii) he shall remain physically present on each and every date in the learned trial court, whenever required;

(iii) he shall also mark his weekly attendance at Musahari P.S. and

(iv) one of the bailors should be near relative of the petitioner.

7. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the



satisfaction of the court of learned Exclusive Special Excise
Judge, Court No.-III, Muzaffarpur in connection with Musahari
P.S. Case No. 137 of 2026.

(Ashok Kumar Pandey, J)

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