IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76359 of 2026

CNR No. BRHC011101742026

Arising Out of PS. Case No.-206 Year-2026 Thana- BASOPATTI District- Madhubani

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Lal Babu Sah S/o Hira Sah Resident of Village - Barmotra, P.S. - Arer, District - Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate
Ms.Alka Verma, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-11-2026 Heard Mr. Subhash Kumar Jha, learned counsel appearing on behalf of the petitioner and Mr. Ajay Kumar No. 2, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Basopatti P.S. Case No. 206 of 2026 dated 25.06.2026, corresponding to G.R. No. 929 of 2026, registered for the offences punishable under Sections 274, 275 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the allegation made in the F.I.R., the informant, while on patrolling duty, intercepted two motorcycles being driven by co-accused persons, namely, Sanjay Kumar

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Yadav and Manish Kumar Mandal. Upon search of the said motorcycles, 126 litres of Nepali liquor were allegedly recovered from each motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in the present case. He is neither named in the F.I.R. nor was any liquor recovered from his conscious possession. The name of the petitioner surfaced during investigation as one of the motorcycles bearing Registration No. BR32AH-2836, which was allegedly used for carrying illicit liquor, belongs to the petitioner. He further submitted that the said motorcycle had been taken by co-accused Manish Kumar Mandal without the petitioner's knowledge that it would be used for carrying illicit liquor. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having heard the rival submissions made on behalf of the parties and considering the fact that the petitioner is not named in the F.I.R., no liquor was recovered from his physical possession and his complicity has surfaced primarily on account of his ownership of the motorcycle allegedly used by the co-

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accused for transporting illicit liquor, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. Accordingly, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the case is pending, in connection with Basopatti P.S. Case No. 206 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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