

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83083 of 2025

Arising Out of PS. Case No.-993 Year-2025 Thana- SAHARSA SADAR District- Saharsa

Ram Krishna Kumar @ Ram Krishna Sah @ Jalwa S/O Jai Narayan Sah
Resident Of Gandhi Path Ward No. 14, P.s.- Saharsa, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Saharsa
P.S. Case No. 993 of 2025 instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act and
25(1-b)a, 26(2), 35 of the Arms Act.

3. The prosecution case, in short, is that total 33 litres
of liquor, 28 litres of cough syrup, one country-made pistol and
42 live cartridges have been recovered from the house of the
petitioner.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The name of the petitioner transpired in this case on the basis of confessional statement of the apprehended co-accused. Learned counsel further submitted that the recovery has been made from the joint house of the petitioner where other family members of the petitioner also reside. Learned counsel further submitted that police after investigation have submitted charge-sheet under the provisions of Bihar Prohibition and Excise Act and Arms Act. The petitioner has got no concern with the alleged recovery. The petitioner is in custody since 30.08.2024 and has four criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that charge-sheet has been submitted in this case under the provisions of the Bihar Prohibition and Excise Act as also of the Arms Act. Learned APP further submitted that vide gazette notification dated 18.10.2016, the Government of Bihar has notified that all medicines or medical preparations containing (i) Codeine and (ii) Dextropropoxyphene as



ingredients be treated to be intoxicants for the purposes of the Bihar Prohibition and Excise Act, 2016.

6. From a perusal of the records, it appears that the present case has been instituted under the provision of the Bihar Prohibition and Excise Act along with the provisions of Arms Act and upon completion of investigation, the police have submitted charge sheet under the same provisions. Therefore, the provisions of the NDPS Act are neither attracted nor applicable to the present case.

7. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saharsa P.S. Case No. 993 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the



bail bonds of the petitioner.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Rudra Prakash Mishra, J)

Alok Verma/-

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