

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8181 of 2026

Arising Out of PS. Case No.-775 Year-2025 Thana- Excise P.S. District- Gopalganj

1. Omprakash S/O Late Shideni Sah @ Late Shivdeni Sah Resident of Villgae-Siyaraha, P.S- Tareya Sujan, District- Khushinagar (Uttar Pradesh).
2. Manish Kumar Sah S/O Sashrath Sah @ Dashrath Sah Resident of Villlage-Bankata, P.S- Gopalpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 775 of 2025, instituted for the offences punishable under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 135 liters liquor was recovered from auto and both the petitioners were arrested on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioner also submitted that the petitioners are not the owner of the auto in question rather petitioner no. 1 is driver and petitioner no. 2 is passenger of that vehicle and both of them have got no knowledge with regard to the nature of goods loaded in the vehicle in question. The petitioners are in custody since 22.11.2025 and have got one criminal antecedent each. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let petitioner no. 1 be released on bail *after framing of charge, if not already framed*, and petitioner no. 2 be released on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. Case No. 775 of 2025, subject to the following conditions:



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

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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