IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15105 of 2026

Arising Out of PS. Case No.-212 Year-2025 Thana- SAHIYARA District- Sitamarhi

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1. Santosh Kumar S/O Kishori Rai R/O Village- Girmisani, P.S- Punaura, Dist.- Sitamarhi.
2. Bhushan Kumar S/O Subodh Rai R/O Village- Harnahiya, P.S- Sahiyara, Distt.- Sitamarhi.
3. Pintu Kumar S/O Madeh Rai R/O Village- Girmisani, P.S- Punaura, Dist.- Sitamarhi.

... ... Petitioners

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 17-04-2026 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Sahiyara P.S. Case No. 212 of 2025, dated 11.12.2025, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, four persons riding two motorcycles were found moving in suspicious manner, keeping two sacs in between them. They were signaled to stop and as they tried to run away, they were apprehended after a chase. During this incident, a Scorpio vehicle was also signaled to stop, but the occupants of the vehicle tried to escape on seeing the police party. The said vehicle was also intercepted and its driver

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was apprehended. Petitioner nos. 1 and 3 were apprehended from the motorcycles while petitioner no. 2 was appreheded from the Scorpio in question. From search of the sacs loaded on the motorcycles, recovery of 72 litres each of Nepali liquor was made, and from the search of Scorpio vehicle, recovery of 648 litres of country made Nepali liquor was made, hence altogether 792 litres of illicit Nepali liquor was recovered.

4. 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. Petitioners have no concern either with the seized vehicles or with the alleged recovery and they have been apprehended merely on the basis of suspicion. Learned counsel next submits that petitioner nos. 2 and 3 have clean antecedent while petitioner no. 1 has got one criminal antecedent in which he is on bail. Learned counsel lastly submits that petitioners are in custody since 12.12.2025 and chargesheet has been submitted.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of chargesheet and period of custody of the petitioners,

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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 Excise Judge-I, Sitamarhi / concerned Court, in connection with **Sahiyara P.S. Case No. 212 of 2025**, 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 petitioners.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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