

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24095 of 2026

Arising Out of PS. Case No.-52 Year-2019 Thana- BAGENGOLA District- Buxar

Umashankar Pandey son of Satyanarayan Pandey Resident of Village- Bhada
P.s- Bagengola District -Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak

For the Opposite Party/s : Ms. Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.02.2026 in connection with Bagengola P.S. Case No. 52 of
2019 for the offences punishable under Sections 30(a) and 41(1)
of Bihar Excise and Prohibition Amendment Act.

3. The prosecution story, in brief, is that on 17.09.2019
on a secret information S.H.O. of Bagengola P.S. reached the
house of petitioner and recovered about 4648 Liters (475
cartoon and 30 plastic bag) of illicit liquor along with two
motorcycles.

4. Learned counsel for the petitioner submits that it
appears from the FIR that altogether 4648 liters of country
made liquor was recovered from the house of the petitioner. It is



next submitted that there is non-compliance of mandatory provisions of Sections 100 and 103 of Cr.P.C and the petitioner is not the owner of the house in question rather the house in question is a joint family property and co-accused persons, namely, Dayashankar Pandey has been granted bail vide order dated 19.03.2020 passed in Cr. Misc. No. 79388 of 2019 and Shivshankar Pandey has been granted bail vide order dated 11.11.2020 passed in Cr. Misc. No. 21173 of 2020 by the Coordinate Bench of this Court and the petitioner is in custody since 03.02.2026.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of two cases other than the present case but fairly submits that the petitioner is on bail in the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court of learned Exclusive Special Judge Excise Court No. 1 at Buxar in connection with Bagengola P.S. Case No. 52 of 2019, subject to the following conditions:-



i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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