

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19544 of 2026

Arising Out of PS. Case No.-45 Year-2026 Thana- BAHADURPUR District- Patna

Umesh Sahani @ Umesh Kumar @ Umesh Sahni Son of Late Bijli Sahani
Resident of village- Sandalpur, Pachiyor, PS -Bahadurpur, Dist -Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mithilesh Kr. Arya, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-03-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 16.02.2026 in connection with Bahadurpur P.S. Case No. 45 of 2026 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. The prosecution story, in brief, is that on 08.02.2026 the informant has received a secret information at about 10:00 Hrs and he reached near Sandalpur Pachiyor Pond and saw that one person fled away after seeing the police party and total 260 litres of country made wine have been recovered from the place of occurrence. On enquiry, it was known that recovered wine belongs to Umesh Sahani.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and is innocent and he has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that petitioner has been made an accused in this case on the basis of suspicion and based on the disclosure made by local people. Learned counsel for the petitioner submits that petitioner has no concern with the alleged liquor and petitioner is in custody since 16.02.2026. It is next submitted that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

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 learned Exclusive Special Court of Excise, Patna City, District-Patna in connection with Bahadurpur P.S. Case No. 45 of 2026, 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 canceled 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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