

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20496 of 2026

Arising Out of PS. Case No.-73 Year-2026 Thana- TERHAGACHH District- Kishanganj

Shiva Kumar Sah @ Sifa Kumar Sah S/o- Late Dilip @ Dilip Prasad Sah
Resident of Village- Matiyari Ward No.07 Police Station- Tedhagaach
District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and Mr. Syed Mojibur Rahman,
learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
01.03.2026 in connection with Case No. Special - 74 of 2026
arising out of Tedhagaach (Tedhagachh) P.S. Case No. 73 of
2026, F.I.R. dated 28.02.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Recovery is of 315.3 liters of Nepali country made
liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. The allegation as alleged in the FIR is false and



fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that it appears from the FIR as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery of 315.3 liters of illicit liquor has been made from the tempo in question. He further submits that the petitioner is not the owner of the said vehicle in question rather he is the driver and he has no knowledge about the illicit liquor and he has been made accused merely on the ground that he is driver of the vehicle in question. The petitioner is in custody since 01.03.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the tempo in question and the petitioner is not the owner of the said tempo in question, 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 Judge (Excise-I) Kishanganj



(Bihar) in connection with Case No. Special - 74 of 2026 arising out of Tedhagaach (Tedhagachh) P.S. Case No. 73 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 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)

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