

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26879 of 2026

Arising Out of PS. Case No.-296 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Santosh Kumar @ Santosh Kumar Sahani, S/O Narayan Sahani @ Srinarayan Sahani @ Shiv Narayan Choudhary, R/O Village- Ghogharaha Bairiya, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 23-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short is that below the earth where the petitioner has hidden the illicit spirit. Altogether 490 liters of illicit spirit was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that from perusal of the case of the prosecution, it is not clear as to from which place the recovery



was made. Nothing has been recovered from the possession of this petitioner. It has further been submitted that the witnesses of the seizure list are police personnel. Police has not complied Section 105 of the B.N.S.S. while making the seizure. Petitioner is languishing in judicial custody since 19.02.2026.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail and has submitted that petitioner is having criminal antecedent of three cases of similar nature.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Excise P.S. Case No. 296 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.2, East Champaran, Motihari **with the condition that petitioner shall not indulge himself in similar nature of offences in future.**

(Ashok Kumar Pandey, J)

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