

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30730 of 2026**

Arising Out of PS. Case No.-70 Year-2026 Thana- SUGAULI District- East Champaran

Amiri Sahani Son of Late Hiralal Sahani Resident of village Mehwa Ward  
No. 13, P.S.- Sugauli, District - East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      06-05-2026                      Heard Mr. Rajesh Kumar, learned counsel for the  
  
petitioner and Mr. Yogendra Kumar Singh, learned Additional  
  
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
18.02.2026 in connection with Sugauli P.S. Case No. 70 of 2026  
for the offence punishable under Section 30(a) of Bihar  
Prohibition and Excise Act.

3. The case of the prosecution, in brief, is that on  
17.2.26 at about 6.10 A.M. during police patrolling and action  
against illegal liquor activities at about 12.10 P.M. near the  
Lalmani Chowk, they received secret information that a persons  
carrying liquor on a bicycle would passing through Sugauli  
Canal towards the village at the verifying he information police  
reached the canal area and waited at ab out 12.50 P.M. one  
persons was seen coming on a bicycle with bags, on seeing the  
police he tried to flee but was chase and caught and name is  
Amiri Sahani on searching he Bicycle and as police recovered



110: liters of country made liquor packed in plastic containers after that police prepared the seizure list.

4. Learned counsel for the petitioner submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the bicycle in question and altogether 110 liters of country-made liquor was recovered. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are Bihar Home Guard personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 18.02.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of two more 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 learned Exclusive Special Excise Judge Court No. 1, Civil Court, East Champaran, Motihari in connection with Sugauli P.S. Case No. 70 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)**

Gaurav Sinha/-

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