

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31268 of 2026

Arising Out of PS. Case No.-102 Year-2026 Thana- EXCISE MADHUBAN District- East
Champaran

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1. Guddu Sahni son of Late Buchcha Sahni Resident of Village - Ramban Malahi Toli, Police Station- Pakridayal, District- East Champaran at Motihari,
 2. Arvind Kumar son of Shailendra Rai Resident of Village - Khutauna, Police Station- Patahi, District- East Champaran at Motihari,
 3. Kundan Kumar Son of Ramnaresh Sah Resident of Village - Sisahani, Police Station-Pakridayal, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2026 Heard Mr. Shashank Shekhar, learned counsel for the

petitioners and Mr. Bhanu Pratap Singh, learned APP for the

State.

2. Petitioners seek bail, who are in custody since
19.03.2026, in connection with Excise Madhuban P.S. Case No.
102 of 2026, F.I.R. dated 19.03.2026 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition &
Excise Act, 2018.

3. Recovery is of 234.00 litres of *foreign* liquor.

4. Learned counsel for the petitioners submits that the
petitioner no. 1 and 2 having clean antecedent and petitioner no.



3 carries one more case other than the present one in which he is on bail and they have been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that recovery has been made from the vehicles in question and nothing has been recovered from the conscious possession of the petitioners. He further submits that the seizure list witnesses are police personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioners are in custody since 19.03.2026.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of the petitioners and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 02, East Champaran at Motihari in connection with Excise Madhuban P.S. Case No. 102 of 2026, subject to the following conditions :-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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