

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31419 of 2026

Arising Out of PS. Case No.-47 Year-2026 Thana- SAHODARA District- West Champaran

1. Abulaish Mian Son of Manjur Mian @Manjoor Mian R/o - village - Parsauni, PS - Sahodara District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanobar Shahnaz, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 08-05-2026 Heard Mr. Sanobar Shahnaz, learned counsel for the petitioner and Ms. Pushpa Sinha, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 11.03.2026 in connection with Sahodara P.S. Case No. 47 of 2026 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. The case of the prosecution, in short, is that the allegation against the petitioners/accused persons is for recovery of 24.3 liters of illegal liquor from two accused along with vehicle.

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that recovery has been



made from the motorcycle in question and nothing has been recovered from the conscious possession of the petitioner. It is next submitted that recovery is of 24.3 liters of nepali liquor from the vehicle in question. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 11.03.2026.

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 cases other than the present case but fairly submits that 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 Court of Exclusive Special Judge, Excise Court-II, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 47 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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