

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30794 of 2026**

Arising Out of PS. Case No.-47 Year-2026 Thana- Akbarpur District- Purnia

Mithu Sahni son of Dilip Sahni Resident Of Village- Gulabbagh Sinhaighiya,  
Ps -Sadar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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

2      06-05-2026                      Heard Mr. Bhola Prasad, learned counsel for the  
  
petitioner and Mr. Md. Iftekhar Mahmood, learned APP for the  
  
State.

2. Petitioner seeks bail, who is in custody since  
08.04.2026, in connection with Akbarpur P.S. Case No. 47 of  
2026, F.I.R. dated 08.04.2026 registered for the offences  
punishable under Sections 274, 275 of the B.N.S. and Section  
30(a) of the Bihar Prohibition & Excise Act, 2016.

3. Recovery is of 205.710 litres of *foreign* liquor.

4. Learned counsel for the petitioner submits that the  
petitioner has clean antecedent and he has been falsely  
implicated in the present case. He further submits that it  
appears from the F.I.R. as well as seizure list that nothing has  
been recovered from the conscious possession of the petitioner



rather recovery has been made near the house of co-accused person, namely, Ramrup Mandal and petitioner has been made accused merely on the basis of suspicion and except the suspicion, nothing has come during investigation to suggest the involvement of the petitioner in the present occurrence. It appears from the seizure list that the seizure list witnesses are Hone Guard personnel so there is non-compliance of Sections 103 and 105 of BNSS, 2023 and the petitioner is in custody since 08.04.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and nothing has been recovered from the conscious possession of the petitioner and there is non-compliance of Sections 103 and 105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise-02), Purnea in connection with Akbarpur P.S. Case No. 47 of 2026, subject to the following conditions :-



(1) 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.

(2) If the petitioner tampers 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 petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, 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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