

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37456 of 2026

Arising Out of PS. Case No.-138 Year-2026 Thana- ISUAPUR District- Saran

Bhagwan Sah S/o Sitaram Sah R/o Village- Bhakura, PS- Baniyapour, Distt.-
Chapra, Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-06-2026 Heard Mr. Nalin Kumar, learned counsel for the

petitioner and Mr. Damodar Prasad Tiwary, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
08.04.2026, in connection with Isuapur P.S. Case No. 138 of
2026, F.I.R. dated 19.04.2026 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

3. Recovery is of 20.00 litres of *illicit spirit* 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 altogether
20.00 litres of illicit spirit liquor was recovered from the



bamboo orchard outside the village Ramchaura 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. The petitioner is in custody since 21.04.2026.

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, 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 3rd Exclusive Special Excise Court, Saran (Chapra) in connection with Isuapur P.S. Case No. 138 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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