

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38685 of 2026

Arising Out of PS. Case No.-103 Year-2026 Thana- KESARIA District- East Champaran

Mutun sahani @ Muntun Sahni S/O- Shital Sahni Resident of village-
Banparua, P.S.- Kesariya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-06-2026 Heard Mr. Abhishek Kumar, learned counsel for
the petitioner and Mr. Ram Sumiran Rai, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
02.03.2026 in connection with Kesariya P.S. Case No. 103 of
2026, F.I.R. dated 02.03.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 105 liters of country made liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been 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 the recovery has
been made from Banparua Chawar and the petitioner has been



made accused merely on the basis of suspicion. He further submits that seizure list witnesses are police personnel so there is non-compliance of Section 103 and 105 of BNSS. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.03.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in three cases and one case is pending for consideration before competent Court of law.

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 Court No.-3, Civil Court, East Champaran at Motihari in connection with Kesariya P.S. Case No. 103 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)

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