

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41296 of 2026

Arising Out of PS. Case No.-723 Year-2025 Thana- HARSIDHI District- East Champaran

Kamlesh Sahani @ Kamelsh Ram @ Kamelsh Kumar S/o Shyam Bihari Ram
@ Sam Bihari Ram Resident of Village - Damovriti P.S.- Harsidhi, District -
East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026

Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Kanhaiya Kishore, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.04.2026 in connection with Harsidhi P.S. Case No. 723 of 2025, F.I.R. dated 24.10.2025 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 200 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 and his name has been transpired merely on the basis of disclosure made by local chowkidar. 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 the tempo in question and as per



allegation, the petitioner escaped from the place of occurrence. He next submits that similarly situated co-accused persons, namely, Nandu Sahani @ Nandu Kumar, Laddu Sahani @ Krishna Mohan Sahani and Dilkhush Kumar @ Dillkhush Kumar have been granted the privilege of bail by this Court vide order dated 03.04.2026, 25.03.2026 and 01.05.2026 in Cr. Misc. No. 18499 of 2026, Cr. Misc. No.19682 of 2026 and Cr. Misc. No.28559 of 2026. The petitioner is in custody since 12.04.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one of similar nature but fairly submits on the basis of paragraph-3 of the bail application that the petitioner is on bail in the said matter.

6. Considering the aforesaid facts and circumstances and the fact that similarly situated co-accused persons have been granted the privilege of bail by this Court and name of the petitioner has been transpired in this case merely on the basis of disclosure made by local chowkidar, 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-I, East



Champaran, Motihari in connection with Harsidhi P.S. Case No. 723 of 2025, 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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