

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42241 of 2026

Arising Out of PS. Case No.-205 Year-2026 Thana- CIVIL LINE District- Gaya

Bhola Sahani, aged about 40 years, Male, Son of Late Mohan Mallah,
Resident of Mohalla- Nadraganj Mallah Toili, P.S.- Civil Lines, District- Gaya
Ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Civil
Lines P.S. Case No. 205 of 2026 instituted for the offences
punishable under Sections 30(a) and 37 of the Bihar Prohibition
and Excise Act.

3. As per allegation in the FIR, on search, total 97.1
liters of wine and beer have been recovered from the house of
the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He submits that the
recovery is not from the separate house rather the same is from
the joint house. He further submits that the petitioner was not



arrested from the room. He next submits that the petitioner in his statement before the police had said that his cousin is involved in wine business and the petitioner has no concern with the wine. Petitioner has got clean antecedent as stated in para 3 of the bail petition and he is in judicial custody since 23.04.2026.

5. Learned APP for the State opposes the prayer for regular bail of the petitioner.

6. From perusal of the FIR, seizure list and the impugned order of the learned Exclusive Special Excise, Court No. 1, Gaya Jee dated 20.05.2026, it appears that petitioner is named in the FIR. From perusal of the records, it also appears that on the basis of written report of the informant, FIR has been registered under Sections 30(a) and 37 of the Bihar Prohibition and Excise Act against the present petitioner and the allegation is of recovery of wine and beer from the house of the petitioner. From perusal of seizure list, it also appears that there is no any independent witness of the seizure, petitioner is under custody since 23.04.2026 having got clean antecedent as stated in para 3 of the petition, so considering all these aspects of the case and submission of learned counsel for the petitioner, I am inclined to grant regular bail to the petitioner.



7. Accordingly the prayer for regular bail of the petitioner is allowed. Let the petitioner above named be released on regular bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, Gaya Jee in connection with Civil Lines P.S. Case No. 205 of 2026.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

