

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44364 of 2026

Arising Out of PS. Case No.-135 Year-2025 Thana- HARSIDHI District- East Champaran

Nandkishor Kumar @ Nandkishor Sahani, aged about 35 years, Male, Son of Late Sipahi Sahni, Resident of village - Damobriti, P.S.- Harsidhi, District - 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. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

2 08-07-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 135 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, total 200 litres of country made liquor, 05 gas cylinder and 01 Bhatti Chulha has been recovered from the place of occurrence (Damovirity Sareh).

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 only on the basis of suspicion. He submits that there is no independent witness of the seizure list. He further submits that similarly situated co-



accused persons namely Rahul Sahani and Nandu Sahani have been granted regular bail by a Co-ordinate Benches of this Court in Cr. Misc. Nos.52311 of 2025 and 51547 of 2025 vide orders dated 07.08.2025 and 30.07.2025, respectively. Petitioner is in custody since 09.04.2026.

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

6. From perusal of the FIR, seizure list and impugned order of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari dated 04.05.2026, it appears that petitioner is named in the FIR. From perusal of the records, it appears that on the basis of written report of the informant, FIR has been registered under Section 30(a) of the Bihar Prohibition and Excise Act against the above named petitioner and the allegation is recovery of total 200 litres of country made liquor, 05 gas cylinder and 01 Bhatti Chulha from the Damoviriti Sareh. Petitioner is in custody since 09.04.2026, no any independent witness of the seizure list and similarly situated Co-accused persons namely Rahul Sahani and Nandu Sahani have been granted regular bail by a Co-ordinate Benches of this Court in Cr. Misc. Nos.52311 of 2025 and 51547 of 2025 vide orders dated 07.08.2025 and 30.07.2025, respectively, 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 above named 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 Exclusive Special Excise Court No. 1, Civil Court, East Champaran at Motihari, Bihar in connection with Harsidhi P.S. Case No. 135 of 2025.

(Ramesh Chand Malviya, J)

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