

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49676 of 2026

Arising Out of PS. Case No.-87 Year-2021 Thana- KUNDWACHAINPUR District- East
Champaran

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Nandu Kumar @ Nandan Kumar Sah @ Nandu Kumar Sah @ Nandan
Kumar S/O Nageshwar Sah R/O Village- Kharuhi, P.S.- Kundwa Chainpur,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection with
Kundwa Chainpur P.S. Case No. 87 of 2021, registered for the
offences punishable under Sections 414/34 of the IPC and Section
30(a) of the Bihar Prohibition and Excise (Amendment), Act 2018.

3. The prosecution case, in brief, is that acting on a secret
information, the police conducted a raid at the house of co-accused
Shaym Babu Sah. On seeing the police, the petitioner and other
accused persons allegedly fled away from the spot. During the
raid, two motorcycles were found parked in the premises from
which, 255 bottles (300 ml each), totaling 76.500 litres of Nepali
liquor was recovered. It is alleged that the petitioner along with the



co-accused is said to have concealed the liquor for illegal transportation, whereupon the present case was instituted against him.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. Nothing has been recovered from conscious possession of the petitioner. He has further submitted that the provisions of Section 103 of the BNSS has not been complied with. He has also submitted that the petitioner is a person of clean antecedent and has been in judicial custody since 26.04.2026. He undertakes to cooperate with the investigation and trial as also, not to repeat the offence of similar nature.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. Taking into account the entire facts and circumstances of the case coupled with the fact that the petitioner is a person of clean antecedent, let the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. III, Incharge, East Champaran at Motihari/concerned court in connection with Kundwa Chainpur P.S. Case No. 87 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.



(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) If he repeats any offence of similar nature, his bail bond shall be liable to be cancelled immediately by the learned court below.

(Raj Kumar, J)

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