IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80631 of 2026

CNR No. BRHC011132992026

Arising Out of PS. Case No.-104 Year-2026 Thana- SAKATPUR District- Darbhanga

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Om Prakash Sah @ Om Prakash Sahu Son of Subodh Sah @ Subodh Sahu R/o - Khojpur, P.S - Babubarhi, District - Madhubani, Bihar

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 05-11-2026 Heard the learned counsel for the petitioner and the learned Addl. Public Prosecutor for the State.

2. The petitioner, who is in custody, seeks bail in connection with Sakatpur P.S. Case No. 104 of 2026 registered for the offence(s) punishable under Section(s) 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police intercepted a tempo and upon seeing the police, the driver of the tempo fled, however he was apprehended and told his name as Om Prakash Sah (petitioner), who disclosed that the material loaded on the tempo was meant to be delivered to one Pintu Singh @ Rangila. On search, total 468 litres of Nepali liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence under the act. It has further been submitted that the recovery was made

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from the said tempo and the petitioner happens to be the driver of the tempo and he was asked to deliver the consignment and he has no connection with the same. It has next been submitted that the petitioner was not even aware of the fact that the consignment, which was kept on the tempo, contained illicit liquor. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 07.08.2026.

5. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail.

6. Having heard the learned counsel for the parties and considering the fact that the petitioner is the driver of the said tempo and also taking note of the fact that the petitioner has remained in custody since 07.08.2026, let the petitioner, above-named, be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sakatpur P.S. Case No. 104 of 2026, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned

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Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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