

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86586 of 2024

Arising Out of PS. Case No.-1683 Year-2024 Thana- Excise P.S. District- East Champaran

1. Jitendra Mahto S/O Jairam Mahto R/O Vill.- Jhauram, P.S.- Dhaka, Dist.- East Champaran.
2. Indal Kumar S/O Dukhit Mukhiya R/O Vill.- Bisrahiya, P.S.- Dhaka, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar Tiwari, Adv.
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-12-2024 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with Excise

P.S. Case No. 1683 of 2024 instituted for the offences under

Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered

total 37.500 litres illicit Nepali Saufi liquor from the

possession of the petitioners. It is also alleged that the police

have also recovered 45.00 litres of Nepali Saufi liquor from

the motorcycle bearing Regd. No. BR-05-AO-1569. The

petitioners were arrested on spot.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are not the owner of the seized motorcycle. The petitioners have also no concern with the recovered illicit liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 05.10.2024 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each
with two sureties of the like amount each to the satisfaction of
Court below/concerned Court in connection with Excise P.S.
Case No. 1683 of 2024.

(Rudra Prakash Mishra, J)

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