

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2092 of 2025

Arising Out of PS. Case No.-491 Year-2024 Thana- KISHANGANJ District- Kishanganj

1. Md. Musarraff Alam @ Masraf @ Md. Musarraff S/O Md. Asgar Alam @ Md. Asgar Resident of Village- Khagra Machhmara Ward No. 33, P.S- Kishanganj, Distt.- Kishanganj.
2. Bikki Sah @ Bicky Saha S/O Deepak Sah Resident of Village- Khagra Machhmara Ward No. 33, P.S- Kishanganj, Distt.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kishanganj PS Case No. 491 of 2024 instituted for the offences under Sections 30(a), 32, 34, 36 and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 106.110 litres of foreign liquor was recovered from motorcycle.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners



have got no concern with the alleged recovery of liquor. It is submitted that petitioner no. 1 is the owner of the seized motorcycle. The petitioners are in custody since 29.11.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent of the petitioners and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Kishanganj PS Case No. 491 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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