

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.841 of 2025

Arising Out of PS. Case No.-1988 Year-2024 Thana- Excise P.S. District- East Champaran

1. Shambhu Mukhiya S/O Shiv Mukhiya R/O Village-Panch Gachiya, Ward No. 2, P.S- Patahi, District- East Champaran.
2. Sachin Kumar S/O Yogendra Sahani R/O Village-Panch Gachiya, Ward No. 2, P.S- Patahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-01-2025 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Excise (Motihari) P.S. Case No. 1988 of 2024 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 150 litres of liquor was recovered from three motorcycles out of which 60 litres of liquor has been recovered from the motorcycle of petitioner no. 1 whereas 63 litres of liquor has been recovered from the motorcycle of the petitioner no. 2.

4. Learned counsel for the petitioners submitted that



the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted that petitioners are not the owner of the vehicle in question. The petitioners have got no concern with the alleged recovery of liquor. The petitioners are in custody since 22.11.2024 and have no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP 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 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 Excise (Motihari) P.S. Case No. 1988 of 2024.

(Rudra Prakash Mishra, J)

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