

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3273 of 2025

Arising Out of PS. Case No.-445 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

1. Sudama Kumar Son of Harendra Prasad Resident of Village - Belbanwa, P.S. - Kuchaykote, District - Gopalganj.
2. Ganesh Kumar Son of Triloki Prasad Resident of Village - Pandey, Parsauni, Police Station - Kuchaikote, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kuchaikote PS Case No. 445 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 25(1-B)a, 26 & 35 of the Arms Act.

3. The prosecution case, in short, is that total 90 litres liquor in which 18 litres from petitioner no. 2 and 9 litres of liquor from petitioner no. 1 1 desi katta, 1 live cartridges were also recovered from gunny bags.

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



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor and the arms. It is submitted that recovery of liquor is from an open place, which is accessible to one and all. The petitioners are in custody since 21-10-2024 and has got no criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

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 petitioner No.1, Sudama Kumar, be released on bail, *after framing of charge, if not already framed*, and petitioner No.2, Ganesh Kumar, 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 Kuchaikote PS Case No. 445 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

U		T	
---	--	---	--

