

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6608 of 2025

Arising Out of PS. Case No.-469 Year-2024 Thana- EXCISE BAARSOI District- Katihar

1. Bipin Mahto Son of Late Shri Akalu Mahto Resident of Mantu Nagar, P.S. - Sahebpur Kamal, District - Begusarai
2. Dilkhush Kumar @ Dilkhush Singh Son of Sohan singh Resident of Village - Balia (Lakhminiya), P.S. - Balia, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioner is permitted to make necessary correction in paragraph 3 of the application during course of the day.

3. The petitioners seek bail in connection with Barsoi Excise PS Case No. 469 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that total 120.960 litres of foreign liquor was recovered from Car.

5. 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. It is submitted that petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the seized vehicle and they have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 18.12.2024. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 has four criminal antecedents in which he is on bail. There is no compliance of Section 103 of B.N.S.S.

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

7. 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.

8. 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 Barsoi Excise PS Case No. 469 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/-

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