

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14365 of 2025

Arising Out of PS. Case No.-3 Year-2025 Thana- KATEYA District- Gopalganj

1. Mithlesh Kumar Son of Sanjay Ray Resident of Village- Rauja Pokhara Police station- (Town) Nagar, District -Chhapra (Saran)
2. Nagendra Kumar Son of Suresh Manjhi Resident of Village- Rauja Pokhara Police station- (Town) Nagar, District -Chhapra (Saran)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kateya P.S. Case No. 03 of 2025, PTN 1630 of 2025 instituted for the offences punishable under Sections 317(5), 3(5) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 656.640 litres of foreign liquor was recovered from tractor.

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. It is further submitted that petitioner no.1 is only the driver of the vehicle in question whereas petitioner no.2 is the passenger and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 04.01.2025 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, *after framing of charge, if not already framed*, 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 Kateya P.S. Case No. 03 of 2025, PTN 1630 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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