

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12579 of 2025

Arising Out of PS. Case No.-546 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Kanhaiya Kumar S/O Gauri Mahto R/O Vill.- Jhakiya, P.S.- Turkauliya,
Dist.- East Champaran.
 2. Gauri Mahto S/O Late Suraj Mahto R/O Vill.- Jhakiya, P.S.- Turkauliya,
Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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

ORAL ORDER

2 25-02-2025 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners seek bail in connection with
Turkauliya PS Case No. 546 of 2024 instituted for the offences
under Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 41.54
litres of illicit liquor was recovered from motorcycle and jute
sack.

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. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that the name of the petitioners have transpired as being owner of the motorcycle in question. The petitioners are in custody since 22.12.2024 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 Turkauliya PS Case No. 546 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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