

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19828 of 2025

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

1. Dhananjay Kumar Son of Chhabila Prasad Resident of Village - Belbanwa, P.S.- Kuchaikote District- Gopalganj, Bihar
2. Pramod Kumar Son of Chhabila Prasad Resident of Village - Belbanwa, P.S.- Kuchaikote District- Gopalganj, Bihar
3. Vishal Kumar Son of Yogendra Prasad Resident of Village - Belbanwa, P.S.- Kuchaikote District- Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kuchaikote P.S. Case No. 445 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022 and Sections 25(1-B)(a), 26, 35 of the Arms Act.

3. As per prosecution case, the police has apprehended the accused persons including the petitioners and recovered total 90 liters of illicit country-made liquor, kept in a gunny bags and Pithu bags, from their possession. The police has also recovered



one country-made Katta and one live cartridge from the possession of the petitioner no.1.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioners. The petitioners have no concern with the seized liquor or the fire-arms. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner no.2 has no criminal antecedent whereas the petitioner nos. 1 & 3 have one criminal antecedent each and are languishing in judicial custody since 21.10.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. The petitioners were arrested on the spot. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioners, let the petitioners,



abovenamed, 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 Kuchaikote P.S. Case No. 445 of 2024.

(Rudra Prakash Mishra, J)

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