

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13397 of 2025

Arising Out of PS. Case No.-1061 Year-2024 Thana- Excise P.S. District- East Champaran

Karan Kumar S/O Motilal Sah @ Motilal Mahato Resident of village- Ujjain
Lohiyar, P.S- Harsidihi, District- 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. Bharat Lal, APP

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

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise
PS Case No. 1061 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 54.450 liters
foreign liquor was recovered from motorcycle and car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Petitioner was not arrested on the spot. Name of
the petitioner has sprung in this case on confessional statement
of co-accused, namely, Shajit Siddiki. No incriminating material
has been recovered from the conscious possession of the



petitioner. The petitioner has got no concern with the alleged recovery of liquor. Petitioner is neither the owner nor the driver of the motorcycle and car in question. The petitioner is in custody since 09-12-2024 and has got six criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 14-08-2024, passed in Cr. Misc. No. 55065 of 2024. Charge sheet is submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise PS Case No. 1061 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 Kishore/-

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