

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16472 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- Naya Bhojpur District- Buxar

1. Jitendra Dayama Son of Kanchan Dayama Resident of Village - Sindini Mohalla, Hirapur, P.S. - Dewas, District - Dewas, Madhya Pradesh
2. Anil Kumar Son of Kailashchandra Resident of Village - Samari, P.S. - Siddhiganj, District - Shivhar, Madhya Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Naya Bhojpur P.S. Case No. 05 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 2232 liters of illicit foreign liquor from six-wheeler truck.

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 possession of the petitioners.



The petitioner no.1 is the driver whereas petitioner no.2 is the co-driver. The petitioners have no concern with the seized liquor. The petitioners were not aware of the contents of the material loaded in the alleged truck. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 10.01.2025 without any rhymes or reason.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, 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 Naya Bhojpur P.S. Case No. 05 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.



(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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