

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18908 of 2025

Arising Out of PS. Case No.-447 Year-2024 Thana- SABAUR District- Bhagalpur

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1. Dilkhush Kumar Son of Chandeshwari Yadav village- Navatoliya, Po-shahpur, Ps- Sonbarsa Raj, Dist- Saharsa
 2. Dilkhush Kumar Son of Sanjay Yadav village- Maina, Ps- Sonbarsa Raj, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sabour
P.S. Case No. 447 of 2024, instituted for the offences punishable
under Sections 30(a) and 32(2) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 301.86 liters
liquor was recovered from truck and both the petitioners were
apprehended on spot.

4. Learned counsel for the petitioners submits 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. Learned counsel for the petitioners also submits that petitioner no. 1 is driver and owner of the truck in question and petitioner no. 2 is *khalasi*. The petitioners are in custody since 22.12.2024 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sabour P.S. Case No. 447 of 2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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