

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25784 of 2025

Arising Out of PS. Case No.-76 Year-2025 Thana- ATHMALGOLA District- Patna

Niraj Kumar S/o Late Ramesh Kumar Singh @ Late Ramesh Ray Resident of
Mahuli, PS- Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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

ORAL ORDER

2 24-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Athmalgola P.S. Case
No. 76 of 2025, instituted for the offences punishable under
Section 317(5) of the Bharatiya Nyaya Sanhita, 2023 read with
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 50 liters
liquor was recovered from motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. 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. Learned counsel



for the petitioner also submits that the name of the petitioner has transpired in this case on the basis of disclosure made by co-accused persons. No recovery of liquor has been made from the possession of the petitioner. It is further submitted that the motorcycle does not belong to the petitioner. The petitioner is in custody since 03.03.2025 and has got two criminal antecedents in which he is on bail. 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 petitioner.

6. Considering the aforesaid facts and circumstances of the case 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Athmalgola P.S. Case No. 76 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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