

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21756 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- AMNAUR District- Saran

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1. Munna Kumar S/o Yamuna Baitha R/o vill- Bardahiya, P.S.- Madhaurah, Distt.- saran
 2. Rahul Kumar S/o Viru Manjhi R/o vill- Bardahiya, P.S.- Madhaurah, Distt.- saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 08-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Amanour PS Case No. 23 of 2025 instituted for the offences under Sections 30(a), 41 & 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 209 liters country made liquor was recovered from motorcycle.

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. Petitioners are not the owner of the motorcycle in question. Petitioner No.1. is allegedly arrested on the spot, whereas petitioner No.2 is apprehended on the disclosure made by petitioner No.1. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner No.1 is in custody since 04-02-2025, whereas petitioner No.2 is in custody since 24-02-2025. Petitioner No.1 bears four criminal antecedents, whereas petitioner No.2 bears three criminal antecedents. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. 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, *after framing of charge, if not already framed*, 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 Amanour PS Case No. 23 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the



family of the petitioners.

(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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