

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22844 of 2025

Arising Out of PS. Case No.-374 Year-2025 Thana- PHULWARISHARIF District- Patna

Nikhil Kumar S/o Jitendra Kumar R/o Village- Babura, P.S.- Barhara,
District- Bhojpur at Ara, at present residing at- Chitrakut Nagar, Road No.07
Digha Diyara, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

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

ORAL ORDER

2 16-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Phulwarisarif P.S. Case No. 374 of 2025 instituted for the
offences punishable under Sections 303(2), 318(4), 281, 285(a)
(b), 3(5) of the BNS and Section 30(a), 32, 36, 41 of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 480.780
litres of liquor was recovered from car.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and had no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 07.03.2025 and has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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, *after framing of charge, if not already framed*, 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 Phulwarisarif P.S. Case No. 374 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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