

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22976 of 2025

Arising Out of PS. Case No.-1118 Year-2024 Thana- BIHTA District- Patna

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Gandhi Kumar @ Gandhi Son of Sitab Ray R/o - Mustafapur, P.S.- Bihta,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vikramadit, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**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 Bihta

PS Case No. 1118 of 2024 instituted for the offences under

Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 1170 liters

country made liquor was recovered from cow shed.

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. It is submitted that alleged recovery is made from cow-shed which is joint family property of the family of the petitioner and the same is planted by the police party. The petitioner is in custody since 21-03-2025 and has got 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 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 Bihta PS Case No. 1118 of 2024, subject to the following conditions:-

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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