

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26579 of 2025

Arising Out of PS. Case No.-43 Year-2025 Thana- MEHSI District- East Champaran

1. Rahul Singh @ Abhishek Kumar S/o- Ashok Singh, R/o Village- Mani Chhapra, PO- Mehshi, PS- Chakiya, Dist- East Champaran.
2. Om Prakash Singh S/o- Bhaijnath Singh, R/o Village- Mani Chhapra, PO- Mehshi, PS- Chakiya, Dist- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

3 27-05-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Mehshi P.S. Case No. 43 of 2025 dated 01.03.2025 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution story, altogether 3533.400 litres of illicit foreign liquor was recovered from tank lorry and Bolero pick up vehicle from a cold storage in the village Sulsabad.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this



case merely on the basis of suspicion. Petitioners were not arrested from the spot and their names transpired in the present case on the basis of disclosure made by local chowkidar. There was non-compliance of the mandatory procedure prescribed for recovery under Section 103 of the BNSS. Nothing was recovered from the conscious possession of the petitioners and petitioners have no concern with the alleged recovery. Petitioners are neither the owners nor the drivers of the seized vehicles in question. The co-accused person namely, Naresh Rai @ Ram Naresh Yadav has been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court *vide* order dated 19.05.2025 passed in Cr. Misc. No. 32411 of 2025. Petitioner no. 2 claims clean antecedent while petitioner no. 1 carries one criminal antecedent as stated in paragraph no. 3 of the bail petition. Petitioners are in custody since 03.03.2025. He lastly submits that after completion of investigation, chargesheet has been submitted against the petitioners.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case as well as petitioners' period under custody, this Court is inclined to



enlarge the petitioner on bail **after framing of charge, if not framed as yet**. Accordingly, let the petitioners, above-named, be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, East Champaran, Motihari, in connection with **Mehsi P.S. Case No. 43 of 2025**, on further conditions:

(i) One of the bailors should be close relative of the petitioners.

(ii) Petitioners shall cooperate in the trial and shall be present on each and every fixed date and on their absence on two consecutive dates without sufficient reason, their bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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