

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28044 of 2025

Arising Out of PS. Case No.-199 Year-2025 Thana- Excise P.S. District- Siwan

1. Mohit Kumar Son of Binod Srivastva Resident of vill-Ruyiya Bangra, PS- Ziradeyi, Dist- Siwan
2. Haricharan Baitha @ Haricharan Son of Jhulan Baitha village- Cheriya, Ps- Bankatta, Dist- Deoriya, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Adv.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners seek bail in connection with Siwan

Excise P.S. Case No. 199 of 2025 instituted for the offences

under Sections 30(a) & 32(3) of the Bihar Prohibition and

Excise Act, 2022.

3. As per prosecution case, the police has recovered

total 243.720 liters of illicit liquor from the Scorpio vehicle.

The petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that

the petitioners are innocent and have committed no offence



as alleged against them and have falsely been implicated in the present case due to enmity. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioners are not the owner of the alleged seized vehicle. The petitioners are the driver and co-driver and they were not aware of the contents of the material loaded in the alleged vehicle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioners have no criminal antecedent and are languishing in judicial custody since 09.03.2025 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioner, abovenamed, be released on bail 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 Siwan Excise
P.S. Case No. 199 of 2025.

(Rudra Prakash Mishra, J)

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