

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28073 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- MOHAMMADPUR District- Gopalganj

1. Kanhaiya Jha @ Kanhiya Jha S/o Naresh Jha Resident of vill - Ratanput, P.S.- Kamtaul, Distt.- Dharbhanga at present R/o Multania Road Gali No. 14, Bhatinda, P.S.- Kainai Colony, Distt.- Bhatinda (Punjab)
2. Jasbindra Singh @ Jasbindra Singh S/o Mehar Singh R/o Lal Singh Nagar, P.S. - Kainai Colony, Distt.- Bhatinda (Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, 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 Mohammadpur P.S. Case No. 41 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered total 98.625 liters of illicit foreign liquor from the car. Both the petitioners were arrested on 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. The petitioner no.1 is the owner of the vehicle, in



question. 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. 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 03.03.2025 without any rhymes or reason.

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

7. 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 petitioners, 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 Mohammadpur P.S. Case No. 41 of 2025.

(Rudra Prakash Mishra, J)

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