

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28885 of 2025

Arising Out of PS. Case No.-67 Year-2025 Thana- POTHIIYA District- Kishanganj

Surjit Mallik @ Surajit Malliek S/O Gopal Mallik R/O Pradhan Nagar ward
no. 2, P.S.- Pradhan Nagar, Dist.- Darjeeling W.B

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

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

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

ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pothia
P.S. Case No. 67 of 2025, instituted for the offences punishable
under Sections 319(2), 318(4) of the Bharatiya Nyaya Sanhita,
2023 read with Sections 30(a), 32 and 41 of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that, 295.92 liters
liquor was recovered from pick-up vehicle and the petitioner
was apprehended on spot.

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. Learned counsel for the petitioner also submits that the petitioner is co-driver of the vehicle in question and he has got no knowledge regarding the nature of goods loaded in the vehicle. The petitioner is in custody since 12.03.2025 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik 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 on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Pothia P.S. Case No. 67 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

