

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28288 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- Excise P.S. District- Gopalganj

1. Ritesh Kumar Son of Ramji Prasad Resident of village - Mathiya Dewra, P.S.- Keshriya, Distt.- East Champaran.
2. Mantu Kumar Son of Rampukar Prasad Kushwaha Resident of village - Nayka Tola, Ahiroliya, P.S.- Kotwa, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewanand Tiwari, Advocate

For the Opposite Party/s : Mr. Anish Chandra, 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 Excise P.S. Case No. 138 of 2025 instituted for the offences punishable under Sections 30(a), 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 629.820 litres of liquor was recovered from truck.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that petitioners are not the owner of the vehicle. It is further submitted that petitioners are driver and co-driver of the vehicle in question and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 05.03.2025 and have no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners 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 Excise P.S. Case No. 138 of 2025.

(Rudra Prakash Mishra, J)

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