

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29774 of 2025

Arising Out of PS. Case No.-40 Year-2025 Thana- SIKTI District- Araria

Md. Azam Son Of Late Kinnu Vill -Parariya Kalu Chauk, Ward No 11, Ps
-Sikty, Distt -Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sikty
P.S. Case No. 40 of 2025 instituted for the offences punishable
under Sections 30(a), 32(2), 32(3), 41 of the Bihar Prohibition
and Excise Act and 317(5), 303(2), 111 of the Bharatiya Nyaya
Sanhita, 2023.

3. The prosecution case, in short, is that total 117
litres of Nepali country-made liquor and 1.875 litres of Nepali
foreign liquor has been recovered from the house of the co-
accused, namely, Md. Islam.

4. Learned counsel for the petitioner submitted that
the petitioner has falsely been implicated in the present case. No



incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from the house of the co-accused. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 21.02.2025 and has seven criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023. Other co-accused has been granted bail by this Court vide order dated 23-04-2025, passed in Cr. Misc. No. 24989 of 2025.

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, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sikty P.S. Case No. 40 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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