

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31673 of 2025**

Arising Out of PS. Case No.-37 Year-2025 Thana- BAUNSI District- Araria

1. Chhotu Kumar @ Chhotu Sah S/O Nathan Sah R/O Vill.- Manikpur, Bara, P.s.- Simraha, Dist.- Araria.
2. Manoj Rishidev S/O Late Ramanand Rishidev R/O Vill.- Manikpur, Bara, P.s.- Simraha, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

ORAL ORDER

2 17-06-2025 Heard learned counsel for the petitioners and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioners seek bail in connection with Bausi P.S. Case No. 37 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act and Sections 111(2), (ii)3 of the B.N.S.

3. As per prosecution case, the police has recovered total 131.85 liters of foreign liquor from the Maruti Suzuki car.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The



petitioners have not committed any offence as alleged in the F.I.R. The petitioner no.1 is the driver whereas petitioner no.2 is the Khalasi of the alleged vehicle and were not aware of the contents of the materials loaded on the same. The petitioners are not the owner of the alleged vehicle rather the same belongs to one Sonu Kumar. He further submits that nothing incriminating has been recovered from the conscious/physical 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 is languishing in judicial custody since 06.03.2025 without any rhymes 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, 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



Bausi P.S. Case No. 37 of 2025.

(Rudra Prakash Mishra, J)

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