

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32588 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- KHIRHAR District- Madhubani

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1. Kamalu kumar Sharma S/o Jivachh Thakur R/o - Parsauni, P.S - Bisfi, District - Madhubani
 2. Subhash Thakur @ Subhash Kumar Thakur S/o Bauyelal Thakur R/o - Parsauni, P.S - Bisfi, District - Madhubani

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in a case registered for the offence punishable under Sections 274, 275, 317 (5), 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Perusal of the first information report and the seizure list, would go to show that 102 liters of Nepali liquor is said to have been recovered from a scooty without registration number. It is further alleged the said scooty was driven by one of the petitioners and another was sitting as a pillion rider.

4. It is submitted by learned counsel for the petitioners



that as a matter of fact no recovery was made from the conscious or physical possession of the petitioners and since the vehicle did not bear the number plate verbal discussions took place between the petitioners and the police and on account of such reasons the police framed them in the present case. It is further submitted that there is no video etc. of the fact that they were being chased. Moreover, the petitioners are not the owners of the said scooty and there is no independent witness to the search and seizure violating the mandatory provisions. Both the petitioners have one criminal antecedent each of similar nature of the offence on which they are on bail and have been languishing in custody since 05.03.2025.

5. Taking into consideration the fact and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khirhar P.S. Case No.16 of 2025, subject to the further condition that:

- (i) The petitioners shall cooperate in the investigation/trial.
- (ii) The one of the bailors will be a family



member/close relative.

(iii) The court below shall verify the criminal antecedent of the petitioners and in case it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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