

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31891 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- Haraiya District- East Champaran

1. Chhabila Kumar, aged about 22 years, Gender-Male, S/o Jawahir Sahani, Resident of Village- Karmawas, Karamawa (Karmava), Ward No. 01, P.S.- Majahauliya District - West Champaran
2. Rangila Kumar, aged about 19 years, Gender-Male, S/o Jawahir Sahani, Resident of Village- Karmawas, Karamawa (Karmava), Ward No. 01, P.S.- Majahauliya District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party : Mr. Pradeep Narain Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Haraiya P.S. Case No. 23 of 2024 dated 27.10.2024 registered for the offences punishable under Sections 318(4), 338, 336(3), 340(2), 61(2) of the B.N.S., 2023 and Sections 30(a), 41(1), 31, 33, 38 and 47 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police arrested Jitendra Kumar, Bhup Singh and Md. Mustafa and recovered total 1000 litres of spirit from the Truck which was parked in 'Sugam Parivahan Pvt. Ltd', Raxual, who also disclosed the



name of other co-accused persons who are involved in the alleged offence.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is further submitted that the petitioners are not named in the F.I.R. and their names have surfaced in the present case during the course of investigation on the basis of the confessional statement of the co-accused, namely, Murat Sah in Haraiya P.S. Case No. 21 of 2024 that the petitioners are also indulged in supply of the said spirit and also involved in the present case. Hence, the petitioners have been remanded in the present case on 05.02.2025 from Haraiya P.S. Case No. 21 of 2024 dated 26.10.2024. It is further submitted that the petitioners are neither the owner or driver of the said container nor they have any connection with the seized liquor. They have not been arrested on the spot and no incriminating article has been recovered from their possession. The petitioners have no concern with the alleged offence. There is no statutory compliance of Section 103 of the B.N.S.S., 2023. It is further submitted that the other co-accused persons, namely, Murat Sah and Rakesh Kumar @ Rakesh Gupta @ Rakesh Kumar Gupta have already been granted bail by a Bench of this Court in Cr.



Misc. No. 32970 of 2025 vide order dated 01.07.2025. The petitioners have one criminal antecedent in which they are on bail as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 05.02.2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Haraiya P.S. Case No. 23 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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