

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36169 of 2025

Arising Out of PS. Case No.-216 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Avinash Kumar son of Shyam Kishore Yadav R/o- Bhirkhi, Ward No. 23, P.S.- Madhepura, Distt.- Madhepura
2. Nikku Kumar@Nikku Yadav Son of late Bechan Yadav R/o- Bhirkhi, Ward No. 23, P.S.- Madhepura, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghaw Kumar, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-06-2025 Heard learned counsel for the petitioners and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioners seek bail in connection with Special Case No. 225 of 2025 arising out of Madya Nisedh P.S. Case No. 216 of 2025 instituted for the offences under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 406.620 liters of illicit foreign liquor from the car.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has



been recovered from the conscious possession of the petitioners. The petitioners are the driver and co-driver of the alleged vehicle and have no concern with the same. The petitioners have also 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 petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal antecedent and are languishing in judicial custody since 02.05.2025 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 as also taking into account the period of custody of the petitioners, 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 Special Case No. 225 of 2025 arising out of Madya Nisedh P.S. Case No. 216 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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