

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40096 of 2025

Arising Out of PS. Case No.-42 Year-2024 Thana- MUSRIGHRARI District- Samastipur

1. Md. Kadir @ Abdul Kadir S/o- Abdul Rahim Village- Bakhri Bujurg PO- Bathua Bujurg PS-Musrigharari District- Samastipur
2. Md. Nabab @ Md. Mojahid Son of Md. Kadir @ Abdul Kadir Village- Bakhri Bujurg Po- Bathua Bujurg Ps- Musrigharari Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

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

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Musrigharari P.S. Case No. 42 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 136.29 liters liquor was recovered from an unconstructed house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material have been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor.



Learned counsel for the petitioners also submits that the petitioners were not arrested from the place of occurrence. Name of the petitioners have transpired in this case on the basis of secret information received by the police. It is further submitted that the petitioners have got no concern with the alleged place of recovery. The petitioners are in custody since 11.04.2025 and have got no criminal antecedent. Learned counsel for the petitioners further submits that similarly There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Musriharari P.S. Case No. 42 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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