

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37584 of 2025

Arising Out of PS. Case No.-334 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Gaya Nand Rai S/o Munna Rai R/o Village- Champapur, Siman Daraundi, P.S.- Bakhtiyarpur, District- Patna
2. Anil Mahto S/o Amrik Mahto R/o Village- Naya Tola, Simari, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with P.R. No. 334 of 2025 arising out of Prohibition of Excise P.S. Case No. 334 of 2025 instituted for the offences under Sections 30(a)/32(i) & (iii)/41(1)(2) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered total 305.96 liters of illicit foreign liquor from the Bolero car. Both the petitioners were arrested on the spot.

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. He further submits that the petitioners were the passengers of the said vehicle and were not aware of the contents of the material loaded on the same. The petitioners have no concern with the seized liquor. The petitioners have also no concern with the alleged vehicle. 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 are languishing in judicial custody since 13.05.2025 without any rhyme 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



P.R. No. 334 of 2025 arising out of Prohibition of Excise P.S.
Case No. 334 of 2025.

(Rudra Prakash Mishra, J)

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