

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38931 of 2025

Arising Out of PS. Case No.-116 Year-2025 Thana- Excise P.S. District- Khagaria

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1. Md Akabar Alam Son of Late Mustafa sah Resident of village- Bela Simari , Ward no.-01, P.S- Gangaur, Distt.- Khagaria
 2. Uttam Kumar Singh @ Uttam Kumar Son of Brahmdeo Singh Resident of village- Rangniyan, Ward no.-10, P.S- Motiya, Distt.- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-06-2025 Heard Mr. Ram Sumiran Rai, learned counsel for the petitioners and Mr. Nityanand Tiwary, learned APP for the State.

2. The petitioners seek bail in connection with Khagaria Excise P.S. Case No. 116 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, 756 liters liquor was recovered from pick-up vehicle and the petitioners were apprehended on spot.

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 are driver and *Khalasi* of the vehicle and they have got no knowledge with regard to the nature of goods loaded in the vehicle in question. The petitioners are in custody since 26.04.2025 and have got no criminal antecedent. 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 Khagaria Excise P.S. Case No. 116 of 2025.

(Rudra Prakash Mishra, J)

Rajorshi/-

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