

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40060 of 2025

Arising Out of PS. Case No.-523 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Pradeep Kumar Son of Motilal Mukhiya Resident of village- Harkaina , P.S
Muffasil District East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.
For the Opposite Party/s : Ms.Renu Kumari, APP

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

ORAL ORDER

2 27-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Muffasil
PS Case No. 523 of 2024 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 80 litres
of country made liquor was recovered from Motorcycle bearing
Registration No. BR05BD-6398.

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



that motorcycle in question does not belong to the petitioner. It is further submitted that local Chowkidar disclosed the name of the petitioner. The petitioner is in custody since 19.04.2025 and has got three criminal antecedents. There is no compliance of Section 103 of B.N.S.S. The petitioner has been remanded in this case on 19.04.2025 from Mufassil P.S. Case No. 136 of 2024. Learned counsel for the petitioner again submits that the co-accused namely Rajprakash Kumar has been granted bail by this Court vide order dated 07.05.2025 passed in Cr. Misc. No. 28992 of 2025.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has three criminal antecedents of similar nature of offence.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner and the prayer for bail being based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in



connection with Muffasil PS Case No. 523 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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