

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41136 of 2025**

Arising Out of PS. Case No.-42 Year-2025 Thana- DHANHAHA District- West Champaran

1. Bhola Kumar S/o Manoj Sah Resident of Virta Bazar Makhdeya, P.S- Pipara, District-East Champaran
2. Ajit Kumar S/o Arjun Giri Resident of Virta Bazar Makhdeya, P.S- Pipara, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Asha Devi, APP

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

ORAL ORDER

2      03-07-2025                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Dhanha P.S. Case No. 42 of 2025 instituted for the offences under Sections 30(a), 41 of the Bihar Prohibition and Excise Act and Section 317(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the police has recovered total 116.55 liters of illicit foreign liquor from car. Both the petitioners were arrested on 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. The petitioners have no concern with the seized liquor. The petitioner no.1 is the driver of the seized vehicle whereas petitioner no.2 was sitting along with the petitioner no.1 in the same. The petitioners are not the owner of the alleged car. The petitioners were not aware of the contents of the material loaded in the alleged car. 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 24.02.2025 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 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 Dhanha P.S. Case  
No. 42 of 2025.

**(Rudra Prakash Mishra, J)**

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