

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46414 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- Excise P.S. District- Saran

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1. Nitish Kumar Yadav S/O Laxman Rai Resident of Village- Dhighwa Dabauli, P.S.- Baikunthpur, Distt.- Gopalganj.
 2. Vikash Kumar S/O Bali Rai Resident of Village- Dhighwa Dabauli, P.S.- Baikunthpur, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 22-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Saran Sadar PS Case No. 78 of 2025 instituted for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 128.400 litres of foreign liquor was recovered from Car bearing Registration No. CH01AG-7040.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have



got no concern with the alleged recovery of liquor. It is submitted that petitioners are neither the owner nor the driver of the seized vehicle. The petitioners are in custody since 24.04.2025. Petitioner no. 1 has two criminal antecedents and petitioner no. 2 has one criminal antecedent. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted regular bail by this Court vide order dated 07.07.2025 passed in Cr. Misc. No. 41858 of 2025.

5. Learned A.P.P. 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/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Saran Sadar PS Case No. 78 of 2025.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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