

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44597 of 2025

Arising Out of PS. Case No.-205 Year-2025 Thana- BAKHARI District- Begusarai

Constable 1222 @ Md. Niyaz @ Mohammad Niyaz Alam S/o Md. Quamre Alam @ Kamre Alam Resident of village- Gogri Jamalpur, Ward No. 5, PS-Gogri, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Mumtaz Uddin, Adv.

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 15-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bakhri P.S. Case No. 205 of 2025 instituted for the offences under Sections 61, 199 of the Bhartiya Nyaya Sanhita, 2023 and Sections 30(a) & 52 of the Bihar Prohibition and Excise Act, 2023.

3. As per prosecution case, the police has recovered total 25 liters of illicit foreign/country-made liquor from three different houses. The petitioner was arrested on the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as



alleged against him and has falsely been implicated in the present case due to grudge. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced on the disclosures made by the co-accused Chandan Kumar. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 31.05.2025 without any rhymes or reason. He further submits that the co-accused Raja Kumar has already been granted bail by this Court vide order dated 03.07.2025 passed in Cr. Misc. No. 41258 of 2025. Co-accused Anand Kumar has also been granted bail by this Court vide order dated 03.07.2025 passed in Cr. Misc. No. 41120 of 2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties



and considering the entire facts and circumstances of the case, period of custody of the petitioner, the petitioner having no criminal antecedent as also the prayer for bail based on parity, let the petitioner, abovenamed, be released on bail 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 Bakhri P.S. Case No. 205 of 2025.

(Rudra Prakash Mishra, J)

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