

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44746 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- BIHTA District- Patna

1. Mukul Yadav Son of Chandeshwar Yadav R/o village - Kelhanpur, P.S.- Bihta, District - Patna
2. Shyam Babu Choudhary Son of Late Ram Tapasya Choudhary R/o village - Kelhanpur, P.S.- Bihta, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Samrendra Kumar Jha, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Special Excise Case No. 140 of 2025, arising out of Bihta P.S. case No. 18 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 60 liters liquor was recovered from brewery centre situated near bank of a river.

4. Learned counsel for the petitioners submits 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 further submitted that the centre in question does not belong to the petitioners. It is also submitted that the recovery is made from a hut near the bank of river, an open place accessible to one and all. The petitioners are in custody since 08.01.2025 and have got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

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, clean antecedent 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 Special Excise Case No. 140 of 2025, arising out of Bihta P.S. case No. 18 of 2025.

(Rudra Prakash Mishra, J)

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