

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47248 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Sahadur Ali S/O Abdul Sheikh R/O Village- Deoadoba Chaibari, PS-Kokrajhar, Distt-Dhiubri, State-Assam
2. Mainul Haque S/O Jahanuddin R/O Village- Deoadoba Chaibari, PS-Kokrajhar, Distt-Dhiubri, State-Assam

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kishanganj Utpad PS Case No. 173 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 773.640 litres of foreign liquor was recovered from Pick-up vehicle bearing Registration No. AS19AC-5177.

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 petitioner no. 1 is the driver and petitioner no. 2 is the co-driver of the seized vehicle and they have no knowledge regarding the nature of goods booked by the transporter. The petitioners are in custody since 08.04.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

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 of the petitioner and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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 Kishanganj Utpad PS Case No. 173 of 2025.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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