

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52341 of 2025

Arising Out of PS. Case No.-74 Year-2025 Thana- Excise Mashrakh District- Saran

1. Shivam Mishra Son of Ashok Kumar Mishra village- Kesruwa PS- Hargaon District -Sitapur, UP
2. Shobhit Kumar Shukla son of Krishna Bahadur village- Badhariya, Ps- Neemagaon, Dist- Lakhimpur Khiri, UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyam Kishore, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in Mashrakh Excise P.S. case No. 74 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 250.560 liters liquor was recovered from car.

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. The



petitioners are not the owner of the car in question. It is further submitted that the petitioner No. 1 is driver and petitioner No. 2 is a passenger sitting in the car and they have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 26.06.2025 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 antecedents 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.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mashrakh Excise P.S. case No. 74 of 2025.

(Rudra Prakash Mishra, J)

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