

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54825 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- DUMARIAGHAT District- East
Champaran

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MUKESH KUMAR S/o- Ashok Kumar Village- Hata Ps- Kushinagar Dist-
Kushinagar, U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suraj Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioner and Mr.

Choubey Jawahar, learned APP for the State.

2. The petitioner seeks bail in connection with
Dumariyaghat P.S. Case No. 105 of 2025 instituted for the
offences under Sections 30(a), 41(1) of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, the police has recovered
total 190.080 liters of illicit foreign liquor from the milk van.

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.
He further submits that nothing incriminating has been
recovered from the conscious possession of the petitioner. The
petitioner is neither owner nor driver of the alleged seized



vehicle. The petitioner has no concern with the seized liquor. The petitioner has never indulged either in manufacturing or trading of the illicit 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 10.05.2025 without any rhymes or reason.

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 as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dumariyaghat P.S. Case No. 105 of 2025.

(Rudra Prakash Mishra, J)

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