

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54688 of 2025

Arising Out of PS. Case No.-343 Year-2025 Thana- MALSALAMI District- Patna

1. Tarkeshwar Prasad @ Takeshwar Prasad Keshari S/O Bhuneshwar Prasad @ Bhuvneshwar Prasad Resident of Simli (Pandariva), Bel Kuan, P.S.- Malsalami, District- Patna
2. Guddu Kumar S/O Shri Ramsurat Choudhary R/O Karaila, P.S.- Dhansoi, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 13-08-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Malsalami P.S. Case No. 343 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 118.44 liters of illicit foreign liquor from the Tempo.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in



the present case. The petitioners are neither owner nor driver of the alleged vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioners were not aware of the contents of the material loaded in the alleged vehicle. The petitioners have 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 petitioners have no criminal antecedent and are languishing in judicial custody since 06.07.2025 without any rhyme 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 petitioners.

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 petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, 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 Malsalami
P.S. Case No. 343 of 2025.

(Rudra Prakash Mishra, J)

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