

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60064 of 2025

Arising Out of PS. Case No.-41 Year-2025 Thana- Bhittha District- Sitamarhi

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1. Shivam Kumar S/O Kailash Bhagat R/o Vill.- Ladaura Ward No.9, P.S.- Turki, Distt-Muzaffarpur.
 2. Shyam Nath Kumar @ Shyam Nath Mahto S/O Ram Pravesh Mahto R/O Vill.- Pakri Smile Ward no. 12, P.s.- Sadar, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek regular bail in connection with Bhittha P.S. Case No. 41 of 2025 for the offences registered under Section 30(a) of the Bihar Prohibition & Excise Act.

3. On getting secret information regarding transportation of illicit liquor in a Tempo, police party reached at marked place and arrested four persons including the petitioners. On search, 390 litre foreign liquor/ Nepali Beer was recovered from the alleged Tempo.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. Petitioners are neither driver



nor owner of the said Tempo. Petitioners are labourers who after participating in a marriage ceremony were coming from Muzaffarpur. They had taken lift in the said Tempo. They had no knowledge that Beer has been kept in the Tempo. They have no concern with the seized liquor. Petitioner no. 1 has two criminal antecedents which does not belong to Excise Act and Petitioner No. 2 has one criminal antecedent under Excise Act. They are in custody since 21.07.2025. They undertake to co-operate in the trial.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.

6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioners, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 2, Sitamarhi in connection with Bhittha P.S. Case No. 41 of 2025, subject to the following conditions:-

- (I) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (II) Petitioners shall co-operate in the trial and shall be properly represented on each and every date



fixed by the Court and on failure on two consecutive dates without sufficient reason, the trial Court may cancel the bail of the petitioners.

(Sunil Dutta Mishra, J.)

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