

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66210 of 2025

Arising Out of PS. Case No.-189 Year-2025 Thana- Excise P.S. District- Araria

1. Diwakar Bishwas son of Shivnath Bishwas Resident of Village- Kavilashi Ward No 07 Police Station -Simraha District- Araria
2. Bhola Murmu son of Lal Murmu Resident of Village- Gola Bari, Ward no. 17, PS- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Araria Excise P.S. Case No. 189 of 2025 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, the petitioners were found carrying a bag while travelling by a motorcycle and from the bag, recovery of 60 litres of country made liquor was made.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case but no occurrence in the manner as alleged has ever taken



place. There is complete violation of Section 100(4) Cr.P.C. in respect of search and seizure made in this case. The petitioners have no concern with the illicit liquor or the motorcycle and nothing incriminating has been recovered from the person or possession of the petitioners. The petitioners are having no criminal antecedent and they are in custody since 11.06.2025.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and their clean antecedent, the petitioners above named are directed to 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 learned Exclusive Special Excise Court-II, Araria/concerned Court in connection with Araria Excise P.S. Case No. 189 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the



court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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