

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64019 of 2025

Arising Out of PS. Case No.-133 Year-2025 Thana- VISHAMBHARPUR District- Gopalganj

1. Kamlesh Tiwari S/o Sri Devendra Tiwari R/o Village - Basdeopur Sarai Tola Parsurampur, P.S - Sahebganj, District - Muzaffarpur
2. Mohammad Noor Alam S/o Late Raital Minya R/o Village - Semra Tola Parsurampur, P.S - Turkaliya, District - Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Vishambharpur P.S. Case No. 133 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, the petitioners are stated to be the driver and the passenger of a pick-up vehicle from which recovery of 866.760 liters of foreign liquor was made. The petitioners disclosed the name of co-accused to whom the seized contraband belonged.

04. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. The petitioners are not the owner of the seized vehicle and they were not having any knowledge about the nature of contraband. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners are merely the driver and the passenger and they have nothing to do with the seized contraband. The petitioners are having clean antecedent. The petitioners are in custody since 28.06.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are said to be the driver and the passenger of the vehicle and also considering the period of custody of the petitioners and their clean antecedent along with submission of charge-sheet, 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 Judge, Excise Court No. 2, Gopalganj/court concerned in connection with Vishambharpur P.S. Case No. 133 of 2025,



subject to the conditions mentioned in Section 480(3) of BNSS
and 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)

Ashish/-

U		T	
---	--	---	--

