

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66389 of 2025

Arising Out of PS. Case No.-901 Year-2025 Thana- Excise P.S. District- Gaya

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1. Ashutosh Kumar @ Asutosh Kumar S/o Jharkhandi Sharma R/o Village - Girdharpur, P.S - Ghosi, District - Jehanabad (Bihar)
 2. Bikku Kumar S/o Birju Yadav R/o Village - Khapura, P.S - Ghosi, District - Jehanabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioners seek bail in connection with Excise P.S. Case No. 901 of 2025, registered for the offences under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioners were found in possession of 201 litre of the foreign liquor which they have been transporting in their car.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and they have no concern



with the seized liquor. Learned counsel further submits that the petitioner no. 1 is driver and petitioner no. 2 has been sitting in the said car as a passenger. There is no independent witness to search and seizure and nothing incriminating has been recovered from conscious possession of the petitioners. The petitioners are poor persons working as a daily wager. The petitioners are in custody since 19.08.2025 and they have no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioners and their period of custody, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No. 3, Gaya/concerned court, in connection with Excise P.S. Case No. 901 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other 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 below, if
so required by the learned trial court.

(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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