

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66637 of 2025

Arising Out of PS. Case No.-358 Year-2025 Thana- EXCISE MASAUDHI District- Patna

Bhola Kumar S/O Sanjay Kumar Sharma R/O Patna City Nakhash Devi
Asthan, P.S- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Sinha, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner seeks bail in connection with Masaurhi P.S. Case No. 358 of 2025 registered for the alleged offences Section 30(a), 32(3) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police seized 100 liters of country made *chulai* liquor from the bag carried by the petitioner on his Scooty.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. The mandatory provisions of Section 103 of BNSS was not followed while making search



and seizure. The petitioner has no concern either with the Scooty in question or the liquor allegedly seized from the said Scooty. The petitioner is having clean antecedent and is in custody since 01.08.2025.

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

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Patna/court concerned in connection with Excise Masaurhi P.S. Case No. 358 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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