

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73751 of 2025

Arising Out of PS. Case No.-250 Year-2025 Thana- DHAMDAHA District- Purnia

1. Dilkhush Kumar S/o Tuntun Chauhan R/o Vill - Brajesh Nagar Purnea, Thana- K.Hat, District- Purnea
2. Rohit Kumar Sharma @ Rohit Kumar S/o Shusil Kumar Sharma R/o vill - Brajesh Nagar Purnea, Thana- K.Hat, District- Purnea
3. Anjay Kumar S/o Late Ashok Shrivastav R/o vill - Brajesh Nagar Purnea, Thana- K.Hat, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-10-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Dhamdaha P.S. Case No. 250 of 2025 registered for the alleged offences under Sections 274, 275, 318(4), 338, 336(3), 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, on secret information, a white coloured car was intercepted by the police and the petitioners, who were sitting in the car, were apprehended. On search of the car, recovery of 184.530 liters of India made



foreign liquor was made.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and nothing incriminating has been recovered from the conscious possession of the petitioners. The recovery of illicit liquor has been made from the car and the petitioners are not the owner of the vehicle. There is complete violation of Sections 103 and 105 of BNSS regarding search and seizure. The police, only with a view to harass the petitioners, changed the vehicle number of the petitioners and falsely implicated them. The petitioners are in custody since 24.08.2025. The petitioners are having antecedent of one case and they are on bail in that case.

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 period of custody of the petitioners, they 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 Judge-II, Purnea/court concerned in connection with Dhamdaha P.S. Case No. 250 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)

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