

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78999 of 2025

Arising Out of PS. Case No.-472 Year-2024 Thana- BANIAPUR District- Saran

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1. Mohan Chaudhary @ Mohan Choudhary S/o- Ashok Chaudhary R/O Village- Karhi, P.S-Baniyapur, Dist-Saran
 2. Pintu Mishra @ Pintu Kumar Mishra S/o- Late Madho Mishra @ Madhadev Mishra R/v- Rampur Bindalal Ps- Ekma Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr.Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Baniyapur P.S. case No. 472 of 2024 instituted for the offences under Sections 274, 275 of the Bharatiya Nyaya Sanhita, 2023 and Sections 30(a) and 30(c) of the Bihar Prohibition and Excise Act. Earlier, the petitioners have approached this Court for grant of anticipatory bail which were rejected vide Annexure-1 series.

3. The prosecution case, in short, is that 100 liters liquor along with other manufacturing items for preparing liquor were recovered from the house of the petitioner.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners submits in an anti-liquor drive, the petitioners had become victim of circumstances. It is further submitted that local chowkidar disclosed the name of the petitioners. The petitioners are in custody since 20.08.2025. The petitioner No. 1 has got two criminal antecedents while petitioner No. 2 has got seven criminal antecedents. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baniyapur P.S. case No. 472 of 2024, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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