

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76253 of 2025**

Arising Out of PS. Case No.-539 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Uttam Kumar S/o- Punydev Yadav Resident of Village - Tarari, Daulatpur, P.S. - Konch, District - Gaya
2. Jay Prakash Kumar S/o- Mahadew Yadav Resident of Village - Chaturi Bigaha, P.S. - Konch, District - Gaya
3. Kundan Kumar @ Kavindra Kumar S/o- Dharmendra Yadav Resident of Village - Chaturi Bigaha, P.S. - Konch, District - Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Kumar Sunil, Adv

For the Opposite Party/s : Mr. Abhay Kumar, APP

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

ORAL ORDER

2      10-11-2025                      Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with P.R. No. 539 of 2025 arising out of Prohibition and Excise P.S. Bhabua Case No. 539 of 2025, instituted for the offences punishable under Sections 30 (a), 32 (1), 32 (iii), 41 (1), (ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 348 liters of foreign liquor was recovered from car and all of the three petitioners were arrested on spot.

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. It is submitted that petitioner no. 1 is the driver and petitioner nos. 2 and 3 are passenger of the seized vehicle and they have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 28.08.2025. Petitioner nos. 1 and 3 have clean antecedent and petitioner no. 2 has got one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with P.R. No. 539 of 2025 arising out of Prohibition and Excise P.S. Bhabua Case No. 539 of 2025.

**(Rudra Prakash Mishra, J)**

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