

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73784 of 2025

Arising Out of PS. Case No.-893 Year-2025 Thana- MAHUA District- Vaishali

1. Amlesh Kumar, aged about 25 years, Male, Son of Sahindra Das, Resident of Village - Divantok, Police Station- Gangabridge, District- Vaishali.
2. Dablu Kumar, aged about 20 years, Male, Son of Murali Ram, Resident of Village- Subhai, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

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

2. The petitioners seek bail in connection with Mahua P.S. Case No. 893 of 2025 instituted for the offences punishable under Sections 274 and 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, on search Bolero vehicle bearing registration no. BR01GN2386 total 400 litres of country made liquor has been recovered from the Dala of the Vehicle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and have falsely been implicated in this case. He submits that nothing has been recovered from the conscious possession of



the petitioners. He further submits that petitioners has no concerned with the alleged seized illicit liquor and the said Bolero Vehicle. He next submits that the petitioners have not put on Test Identification Parade till date. He lastly submits that during the course of investigation no material has come against the petitioners. Petitioners have got clean antecedent as stated in para 3 of the petition is in custody since 02.09.2025.

5. Learned APP for the State opposes the prayer for bail.

6. From perusal of the FIR and impugned order of the learned Exclusive Special Excise Court No. II-cum-District and Additional Sessions Judge, Vaishali at Hajipur dated 20.09.2025, it appears that on the basis of written report of the Police Sub-Inspector namely, Raj Narayan Yadav FIR has been registered under Sections 274 and 275 of the BNS and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 against two accused persons including the present petitioners and the allegation is of recovery of country made illicit liquor. Petitioners have got clean antecedent and is in custody since 02.09.2025 and there are no any independent witness of the seizure list as well as no Test Identification Parade conducted till date, so considering all these aspects of



the case and submissions of learned counsel for the petitioners, I am inclined to grant bail to the petitioners.

7. Accordingly the prayer for bail of the petitioners are allowed. Let the petitioners above named 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 the learned Exclusive Special Excise Court No.II, Vaishali at Hajipur in connection with Mahua P.S. Case No. 893 of 2025.

(Ramesh Chand Malviya, J)

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