

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73733 of 2025

Arising Out of PS. Case No.-285 Year-2025 Thana- DANAPUR RAIL P.S. District- Patna

1. Mahesh Chaudhary S/O Late Sohan Chaudhary Resident of ward no.- 69, Patna City, P.S- Malsalami, District- Patna
2. Raja Kumar S/O Late Baiju Prasad Resident of ward no.- 69, Patna City, P.S- Malsalami, District- Patna
3. Deepak Kumar S/O Vinay Prasad Resident of ward no.- 69, Patna City, P.S- Malsalami, District- Patna
4. Saurabh Kumar @ Saurbh Kumar S/O Uttam Kumar Resident of ward no.- 69, Patna City, P.S- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Pradhan, Advocate
For the State	:	Mr.Shyam Bihari Singh, 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.

2. In the present case, the petitioners seek bail in connection with Special Excise Case No. 1867 of 2025, arising out of Rail Danapur P.S. Case No. 285 of 2025 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 4.5 litres, 6.12 litres, 9.36 litres and 9.9 litres, in total 29.88 litres of foreign liquor was made from the petitioners, respectively.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners have no concern with the allegedly recovered liquor. The petitioners were passengers in a train and after the police made recovery, the petitioners were falsely implicated . Nothing incriminating has been recovered from the person or possession of the petitioners. It is not believable that the petitioners were apprehended assembled at the same place keeping illicit liquor with them. The mandatory provisions of Section 103 of BNSS regarding seizure have not been complied with. The petitioners are having antecedent of two cases, three cases, one case and two cases, respectively and they are on bail. The petitioners are in custody since 20.08.2025.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the quantity of liquor recovered from the petitioners and their period of custody, the petitioners above named 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 Special Excise Judge, Danapur/concerned



Court in connection with Special Excise Case No. 1867 of 2025, arising out of Rail Danapur P.S. Case No. 285 of 2025, subject to the conditions mentioned in Section 480(3) of B.N.S.S. and also 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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