

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78009 of 2025

Arising Out of PS. Case No.-172 Year-2016 Thana- BAKHARI District- Begusarai

Kundan Kumar S/o Ramakant Sahu R/o Village- Sohma, P.S.- Bithan,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, A.P.P.

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

ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Bakhari
P.S. Case No. 172 of 2016, instituted for the offences punishable
under Sections 47(A) and 57(A) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that 231.825 liters
liquor was recovered from Pick-up.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the present
case. No incriminating material has been recovered from the
conscious possession of the petitioner. The petitioner has got no
concern with the alleged recovery of liquor. The petitioner was
neither owner nor driver of the vehicle. The petitioner is in custody
since 15.09.2025 and has got four criminal antecedent. Learned



counsel for the petitioner further submits that other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.03.2017 passed in Cr. Misc. No. 12440 of 2017. 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 petitioner.

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

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bakhari P.S. Case No. 172 of 2016, subject to the following conditions:

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

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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