

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77488 of 2025

Arising Out of PS. Case No.-1585 Year-2025 Thana- Excise P.S. District- Patna

1. Birju Kumar S/O Parmeshwar Mahto Resident of Village- Daulatpur Devaria, Ward no- 01, P.S.- Sadar Hajipur, Dist.- Vaishali
2. Divesh Kumar @ Divesh Kumar Chaudhary S/O Shivnath Chaudhary Resident of Village- Daulatpur Devaria, Ward no- 01, P.S.- Sadar Hajipur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Patna Excise P.S. Case No. 1585 of 2025 instituted for the offences punishable under Sections 30(a), 41, 56(b) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 128.080 litres of liquor was recovered from *Bolero*.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that petitioners are not the owner of the vehicle. It is further submitted that petitioners are driver and cleaner of the vehicle but have got no concern with the loaded articles/liquor. The petitioners are in custody since 17.09.2025. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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 Patna Excise P.S. Case No. 1585 of 2025.

(Rudra Prakash Mishra, J)

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