

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78022 of 2025

Arising Out of PS. Case No.-247 Year-2025 Thana- MADHAURAH District- Saran

Kundan Nut S/O Dudhnath Nut @ Daharu Nut R/O Vill.- Vajitbhoraha/Bajit
Bhoraha, P.S.- Marhowrah (Madhaurah), Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, 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 Marhowrah
(Madhaurah/Marhoura) P.S. Case No. 247 of 2025, instituted for the
offences punishable under Section 30(a) and 41(1) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 120 liters of
country made liquor was recovered from Bhathani.

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. Learned counsel for the
petitioner further submitted that the recovery has been made from
open place (Bhathani) which is accessible to public at large. The



name of the petitioner has been disclosed by the local Chowkidar. The petitioner is in custody since 09.10.2025 and has got four 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 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 Marhowrah (Madhaurah/Marhoura) P.S. Case No. 247 of 2025, 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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