

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79538 of 2025

Arising Out of PS. Case No.-324 Year-2025 Thana- Daudnagar Excise District- Aurangabad

1. Sukesh Kumar Son of Shyamsundar Mahto R/o- Jagnath Bigha, P.S.- Daudnagar, Dist.- Aurangabad.
2. Mukesh Kumar Son of Shyamsundar Mahto R/o- Jagnath Bigha, P.S.- Daudnagar, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 25-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Daudnagar P.S. Case No. 324 of 2025, instituted for the offences punishable under Sections 30(a), 30(c) and 30(d) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 140 liters liquor was recovered from plastic gallon and both the petitioners were apprehended on spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. No incriminating material has been recovered from



the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the alleged recovery has been made from *nala* and the same is an open place which is easily accessible to the public at large. The petitioners are in custody since 22.09.2025. Petitioner no. 1 has got no criminal antecedent and petitioner no. 2 has got one criminal antecedent in which he is on bail. 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 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 Daudnagar P.S. Case No. 324 of 2025.

(Rudra Prakash Mishra, J)

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