

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81857 of 2025

Arising Out of PS. Case No.-731 Year-2025 Thana- EXCISE KAHALGAON District-
Bhagalpur

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1. AJAY KUMAR Son of Bimal Mandal R/o Village - Sermari, Ward No. 10,
P.S. - Kursaila, District- Katihar.
 2. Jitendra Kumar Son of Satyanarayan Singh R/o Village - Bhimdas Tola,
Tintanga, Ward No. 04, P.S.- Rangra, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

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

ORAL ORDER

2 01-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Excise
(Kahalgaon) P.S. Case No. 731 of 2025, instituted for the
offences punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 169.500
liters of foreign liquor was recovered from Scorpio. Petitioners
were arrested 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 petitioner submits that petitioner no.1 is driver of the seized vehicle and he has no knowledge regarding the nature of goods kept in the vehicle and petitioner no.2 is sitting as a *bonafide* passenger. The petitioners are in custody since 07.10.2025. Petitioner no.1 has got one criminal antecedent and petitioner no.2 has got clean 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 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 Excise (Kahalgaon) P.S. Case No. 731 of 2025.

(Rudra Prakash Mishra, J)

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