

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80036 of 2025

Arising Out of PS. Case No.-117 Year-2025 Thana- PURNAHYA District- Sheohar

1. Chandrakishore Giri @ Chandan Giri Son of Mahesh Giri Resident of Village - Balra, P.S.- Malangwa, District - Sarlahi, Country - Nepal.
2. Kundan Kumar Son of Jitendra Ram Resident of Village - Laxmipur, P.S.- Malangwa, District - Sarlahi, Country - Nepal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 11-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Purnahiya P.S. Case No. 117 of 2025 instituted for the offences punishable under Sections 317(5), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 450.6 litres of liquor was recovered from three motorcycles.

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 in no manner connected with the vehicle in question or with the alleged recovery of liquor. The petitioners are in custody since 03.09.2025 and have no 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 as also 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 Purnahiya P.S. Case No. 117 of 2025, subject to the following conditions:

(I) One of the bailors shall be Uday Shankar Giri, the father-in-law of the petitioner no. 1.

(II) The petitioners 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 petitioners.



(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) Petitioners shall not leave the territorial jurisdiction of the learned court below without taking prior permission of the court concerned.

(Rudra Prakash Mishra, J)

Alok Verma/-

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