

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82445 of 2025

Arising Out of PS. Case No.-399 Year-2025 Thana- KUCHAIKOTE District- Gopalganj

1. Bambam Mukhiya S/O Lal Mukhiya @ Lalan Mukhiya Resident of Village-Kothra, P.S- Hayaghat, Distt.- Darbhanga.
2. Ajit Kumar Jha S/O Shivshankar Jha R/O Village- Dargahpur, P.S- Bahadurpur, Distt.- Darbhanga.
3. Gaurav Kumar S/O Bijali Thakur R/O Village- Rewasi, P.S- Riga, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rachna Rani, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Kuchaikote P.S. Case No. 399 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 85.500 liters liquor was recovered from bus and the 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 petitioners also submits that the alleged recovery has been made from bus which is a public vehicle. Petitioner no. 1 is driver, petitioner no. 2 is co-driver and petitioner no. 3 is passenger and they have got no knowledge with regard to the nature of goods loaded in the vehicle. The petitioners are in custody since 05.09.2025 and have got no 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 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 Kuchaikote P.S. Case No. 399 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(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.

(Rudra Prakash Mishra, J)

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