

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82597 of 2025

Arising Out of PS. Case No.-765 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

Sanju Kumar @ Sanjeev Kumar S/O Late Shivnath Mukhiya R/O Village-
Harkaina, P.S- Muffasil, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mr. Shantanu Kumar, APP

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

ORAL ORDER

2 28-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 765 of 2023, instituted for the offences
punishable under Sections 30(a), 32 and 41(i) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that 20 litres of
liquor was recovered from near palm tree in Harkaina Chawar.

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. It is submitted



that recovery is made from an open place which is accessible to one and all. It is further submitted that local chowkidar disclosed the name of the petitioner. The petitioner is in custody since 30.08.2025 and has got six criminal antecedents in which he is on bail. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 27.06.2025 passed in Cr. Misc. No. 39940 of 2025. 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, ***after framing of charge, if not already framed***, 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 Muffasil P.S. Case No. 765 of 2023, 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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