

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83085 of 2025

Arising Out of PS. Case No.-400 Year-2025 Thana- BAHADURGANJ District- Kishanganj

1. Mahesh Kumar Sah @ Mukesh Kumar Sah Son of Upendra Sah Resident of Village- Hatori ward no. 04 Ps- Hayaghat District -Darbhanga
2. Nitesh Kumar Mahto @ Ritesh Kumar Mahto son of Govind Mahto Resident of Village- Hatori ward no. 04 Ps- Hayaghat District -Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv

For the Opposite Party/s : Ms. Meena Singh, 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 Bahadurganj P.S. Case No. 400 of 2025, instituted for the offences punishable under Sections 30(a), 32, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 185.14 liters of foreign liquor was recovered from car. 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 submit that petitioners are neither owner nor driver of the seized vehicle. It is further submitted that petitioners have taken lift as a *bonafide* passenger and they have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 10.10.2025 and have got one 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 Bahadurganj P.S. Case No. 400 of 2025.

(Rudra Prakash Mishra, J)

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