

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84337 of 2025

Arising Out of PS. Case No.-2335 Year-2025 Thana- Excise P.S. District- Patna

1. Sumit Kumar S/O Sanjay Prasad R/O- Shivmandir, House no.246/105, Dujra Purvi Gali Rajendra Ghat Dujra, P.S.- Buddha Colony, Distt- Patna
2. Ankit Kumar S/O Prem Mahto R/O Chain Tola Pakka Kuan, Mahendru, P.s.- Sultanganj, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd Singh, Advocate

For the Opposite Party/s : Mrs.Dr. Indiwari Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise Patna P.S. Case No. 2335 of 2025, instituted for the offences punishable under Sections 30(a), 32,41 and 62, 56(b) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1038 litres of country made liquor was recovered, out of which 1033 litres liquor was recovered from room and five litres of liquor was recovered from Scooty.

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. The petitioners are not the owner of the room from where the alleged recovery has been made. The name of the petitioner No.1 has transpired as being owner of the scooty in question. The petitioners were passersby of the way and have become victim of circumstances. The petitioners are in custody since 17.10.2025. The petitioner no.1 has no criminal antecedent and petitioner no.2 has 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 Excise Patna P.S. Case No. 2335 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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