

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85654 of 2025

Arising Out of PS. Case No.-568 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Afsar Miyan @ Afsar Miya S/O Md Jabbir Miyan R/O Vill.- Bagahiya ward no. 1, P.S- Madhuban, District- East Champaran (Motihari)
2. Vikash Kumar @ Bikash Kumar S/O Shambhu Jha R/O Vill.- Bhelwa, P.S- Madhuban, District- East Champaran (Motihari)

... .. 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 : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 11-12-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with Madhya Nisedh P.S. Case No. 568 of 2025, giving rise to Special Case No. 584 of 2025, instituted for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 219 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 submits that petitioner no.1 is driver of the seized vehicle and petitioner no.2 has taken lift in the seized vehicle and petitioners have no knowledge regarding the nature of goods kept in the vehicle. The petitioners are in custody since 22.09.2025 and have got clean 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 Madhya Nisedh P.S. Case No. 568 of 2025, giving rise to Special Case No. 584 of 2025.

(Rudra Prakash Mishra, J)

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