

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85582 of 2025

Arising Out of PS. Case No.-921 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Mithun Giri S/O late Dukhan Giri R/O Vill.- Gangsara, Ward no. 13, P.S.- Sarairanjan, Dist.- Samastipur
2. Randhir Kumar S/O Nandkishore Giri R/O Vill.- Gangsara, Ward no. 13, P.S.- Sarairanjan, Dist.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 10-12-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Kishanganj Excise P.S. Case No. 921 of 2025, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 349.800 liters liquor was recovered from pick-up vehicle and both the petitioners were apprehended 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 petitioner no. 1 is driver-cum-owner and petitioner no. 2 is co-driver of that vehicle in question. It is further submitted that petitioner no. 2 has got no knowledge with regard to the nature of goods loaded in the vehicle. The petitioners have been arrested only on the basis of suspicion. The petitioners are in custody since 15.11.2025 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 petitioner no. 1 be released on bail *after framing of charge, if not already framed* as also petitioner no. 2 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 Kishanganj Excise P.S. Case No. 921 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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