

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85620 of 2025

Arising Out of PS. Case No.-828 Year-2025 Thana- MAHUA District- Vaishali

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Boby Kumar S/O Ramaji Bhagat @ Ramji Paswan R/O Vill- Mail Pakri,
Ward No.-5, P.S.- Bidupur, Dist- Vaishali. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aniket Singh, Adv

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Mahua
P.S. Case No. 828 of 2025, instituted for the offences punishable
under Sections 274, 275 of the BNS, 2023 and Section 30(a) of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 180 liters of
country made liquor was recovered from Tempo.

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. Learned counsel
for the petitioner submits that petitioner is neither owner nor
driver of the seized vehicle. It is further submitted that the name



of the petitioner has surfaced in this case as being passenger of the vehicle in question and he was oblivious of the fact that illicit liquor was laden in the vehicle. The petitioner is in custody since 12.08.2025 and has got clean antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted bail by this Court vide order dated 15.11.2025 passed in Cr. Misc. No. 71280 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 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 Mahua P.S. Case No. 828 of 2025.

(Rudra Prakash Mishra, J)

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