

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86989 of 2025

Arising Out of PS. Case No.-495 Year-2025 Thana- BALIYA District- Begusarai

Rajesh Kumar Son of Ganga Mahto @ Ganga Prasad Mahto Village -Chatta
PS -Dalsingsarai, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Paswan, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, A.P.P.

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

ORAL ORDER

2 16-12-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ballia
P.S. Case No. 495 of 2025, instituted for the offences punishable
under Sections 317(5) 3(5) of the BNS and section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 136.80
liters liquor was recovered from car.

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
further submitted that the petitioner is driver of the vehicle and
he has no knowledge regarding the goods loaded in the vehicle.



The petitioner is in custody since 16.11.2025 and has 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 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, *after framing of charge, if not already framed*, 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 Ballia P.S. Case No. 495 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner 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 petitioner.

(Rudra Prakash Mishra, J)

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