

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1768 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- EXCISE MAHARAJGANJ District-
Siwan

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1. Raj Kumar Sah Son of Rajendra Sah Resident of Village - Purani Mathiya, Maharajganj, P.S. - Maharajganj, District - Siwan
 2. Mithu Kumar Son of Sudama Mahto Resident of Village - Purani Bazar, Noniya Dih, P.S. - Maharajganj, District - Siwan
 3. Abhishek Kumar Son of Birendra Mahto Resident of Village - Purani Bazar Mathiya, P.S. - Maharajganj, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

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

ORAL ORDER

2 28-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Maharajganj Excise PS Case No. 269 of 2024 instituted for the
offences under Sections 30(a), 30(c) and 32(3) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 145
litres of country made liquor was recovered from two
motorcycles and 630 kg mahua was destroyed.

4. Learned counsel for the petitioners submit 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. It is submitted that recovery is made from an open place, which is accessible to one and all. It is further submitted that motorcycles in question do not belong to the petitioners. The petitioners are in custody since 04.12.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. 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, clean antecedent of the petitioners 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.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maharajganj Excise PS Case No. 269 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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