

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1773 of 2026

Arising Out of PS. Case No.-744 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

1. Avinash Kumar Mahto Son of LR/ate Ramchandra Mahto R/o- Vill. - Hridayganj Katihar, Ward no. 6, P.S. - Sahayak, P.S. -, Katihar, Distt. - Katihar.
2. Suraj Kumar Son of Late Nandkishore Sah R/o Motipur, Singhousa(Shankar Tola), Ward no. 04, P.S. - Motipur, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Bhabhua Excise PS Case No. 744 of 2025 instituted for the offences under Section 30(a), 32(i)&(iii), 41(i) & (ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 102.060 liters of foreign liquor was recovered from the car and both petitioners were arrested on the spot.

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. Learned counsel for the petitioner submits that the petitioners are the driver and co-driver of the vehicle in question and were merely the passerby of the way, but they have been implicated in this case by the police as they refused to become the witness of the alleged recovery. The petitioners are in custody since 12.12.2025 and have got clean criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

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 and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioner.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhabhua Excise PS Case No. 744 of 2025.

(Rudra Prakash Mishra, J)

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