

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3890 of 2026

Arising Out of PS. Case No.-435 Year-2025 Thana- Excise P.S. District- Darbhanga

1. Babloo Miya S/o- Qaish Miya Village - Sapaha Fazilnagar P.S.- Turkpatti Dist.- Kushinagar UP
2. Shahil Ahmed S/o- Amruddin Ahmad R/v- Chapia, W.no-24, Ps- Town Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 27-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sadar Excise P.S. Case No. 435 of 2025 instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 846.720 litres of liquor was recovered from Bolero pickup.

4. Learned counsel for the petitioners submitted that the petitioners have falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submitted



that petitioners are not the owner of the vehicle. It is further submitted that petitioner no. 1 is the driver of the vehicle in question whereas petitioner no.2 is neither owner nor driver and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 05.11.2025 and have no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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 the petitioner no. 1 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 Sadar Excise P.S. Case No. 435 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner no.1.

(II) The petitioner no. 1 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 no.1.

8. Let the petitioner no. 2 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 Sadar Excise P.S. Case No. 435 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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