

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3938 of 2026

Arising Out of PS. Case No.-1070 Year-2025 Thana- Excise P.S. District- Kishanganj

1. Sanjay Kumar @ Sanjay Son of Baldev Tatma Resident of Village - Chakai, P.S.- Jokihat, District - Araria.
2. Md Shafkat Alam @ Md Safkat Aalam Son of Hajrat Ali @ Hazarat Ali Resident of village - Darshana, P.S.- Jokihat, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, 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 Madhya Nisedh P.S. Case No. 1070 of 2025 instituted for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 160.640 litres of liquor was recovered from car.

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 the passenger and both the petitioners have got no concern with the loaded articles/liquor. The petitioners are in custody since 22.12.2025. Petitioner no. 1 has no criminal antecedent whereas petitioner no. 2 has one 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 petitioners be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhya Nisedh P.S. Case No. 1070 of 2025.

(Rudra Prakash Mishra, J)

Alok Verma/-

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