

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5576 of 2026

Arising Out of PS. Case No.-668 Year-2025 Thana- Excise P.S. District- Sheikhpura

1. Aayush Kumar S/o- Ram Balak Yadav R/o - Isua, P.S -Sarmera, District - Nalanda
2. Musafir Kumar @ Musafir Sao S/o- Bhaso Sao R/o - Isua, P.S -Sarmera, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Gauri Shankar Gupta, A.P.P.

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

ORAL ORDER

2 31-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Sheikhpura Excise P.S. Case No. 668 of 2025, instituted for the offences punishable under Sections 30(a) and 56(B) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 28 liters of country made liquor was recovered from motorcycle. Petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits 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. The



petitioners are not the owner of the motorcycle rather the same belongs to one Manish Kumar, who is cousin brother of petitioner No.1. In fact, petitioners were going to the market after parking the motorcycle and as soon as they returned, Police forcibly arrested them. The petitioners are in custody since 21.12.2025 and have 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 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 Sheikhpura Excise P.S. Case No. 668 of 2025.

(Rudra Prakash Mishra, J)

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