

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4911 of 2026

Arising Out of PS. Case No.-771 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

1. Amit Kumar S/o Surendra Ray Resident of Village - Salimapur, P.S.- Madhaura (Gauda O.P), District - Saran (Chapra)
2. Dinesh Kumar S/o Krishna Ray @ Gama Ray R/o Village - Awadi, P.S - Mahaura, District - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Jha, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Shebganj P.S. Case No. 771 of 2025, instituted for the offences punishable under Sections 317(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30(a), 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1176 liters spirit was recovered from Pick-up. 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 spirit. The petitioner No.2 is the driver and petitioner no.1 is cleaner of the vehicle and they have no knowledge regarding goods loaded on the vehicle. The petitioners are in custody since 18.12.2025 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 petitioner No.2 Dinesh Kumar be released on bail *after framing of charge, if not already framed* and petitioner No.1 Amit Kumar 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 Shebganj P.S. Case No. 771 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.



(II) The petitioners 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 petitioners.

(Rudra Prakash Mishra, J)

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