

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8450 of 2026

Arising Out of PS. Case No.-758 Year-2025 Thana- Excise P.S. District- Gopalganj

1. Konen S/O Basruddin R/o-Banbirpur Basiya Birpur,P.S-Padrauna Basiya, District-Kushinagar (U.P)
2. Faruk Sah S/o-Babuddin Sah @Babudin Shah R/o-Khajuriya, P.S-Nagar, Dist-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Excise P.S. case No. 758 of 2025 instituted for the offences under Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 719 liters liquor was recovered from Bolero vehicle and the petitioners were arrested on 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. It is further submitted that petitioner No. 1 was driver while petitioner No. 2 was co-driver of the vehicle. They had no knowledge regarding the nature of goods kept in vehicle. The petitioners are in custody since 13.11.2025. The petitioner No. 1 has two criminal antecedents while petitioner No. 2 has no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 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 petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise P.S. case No. 758 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)

Pankaj/-

U		T	
---	--	---	--

