

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12904 of 2026

Arising Out of PS. Case No.-399 Year-2025 Thana- MALAHI District- East Champaran

1. Umesh Kumar S/o Prahlad Kumar @ Panna Lal Yadav Resident of vill- Barherwa Bandh, P.S- Malahi, Distt.- East Champaran
2. Bullet Kumar S/o Harikishun Yadav Resident of vill- Barherwa Bandh, P.S- Malahi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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

ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with Malahi
P.S. Case No. 399 of 2025 instituted for the offences punishable
under Sections 317(5), 318(4), 336(2), 338, 336(3), 347(1) of
the Bharatiya Nyaya Sanhita, 2023 and 30(a) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 43.200
litres of liquor was recovered from motorcycle.

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 in no manner connected with the vehicle in question or with the alleged recovery of liquor. The petitioners are in custody since 07.12.2025. Petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has 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 as also 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 Malahi P.S. Case No. 399 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)

Alok Verma/-

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