

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40229 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- BHIMPUR District- Supaul

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1. Nikesh Kumar Bahardar @ Nikesh Kumar S/o- Bijay Bahardar R/v- Deviganj W.No-4, Ps- Narpatganj Dist- Araria
 2. Suman Kumar S/o- Prakash Mukhiya R/v- Mahathava W.No-14, Ps- Bhargam Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 21-07-2026 As per office notes, earlier vide order dated 01.07.2026, a report regarding criminal antecedent of the petitioners was called for but the same has not been received. Learned counsel for the petitioners submits that the petitioners bear no criminal antecedent as stated in para-3 of the bail petition.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. The petitioners seek bail in Bhimpur P.S. Case No. 46 of 2026 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

4. The prosecution case, in short, is that 324 liters



liquor was recovered from car and the petitioners were arrested on spot.

5. 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.2 is the owner as well as driver of the car and he has been falsely implicated by the police due to ulterior motive whereas petitioner No.1 is the passenger and he had got no knowledge with the alleged recovery. The petitioners are in custody since 30.03.2026 and have got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. 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 Bhimpur P.S. Case
No. 46 of 2026.

(Rudra Prakash Mishra, J)

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