

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73633 of 2025

Arising Out of PS. Case No.-459 Year-2025 Thana- PAROO District- Muzaffarpur

Nitish Kumar S/O Congress Rai R/O Village- Sarmastpur, PS- Paroo, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 73732 of 2025

Arising Out of PS. Case No.-459 Year-2025 Thana- PAROO District- Muzaffarpur

- 1. Guddu Kumar S/O Shatrudhan Sah Village- Fatehbaad, P.S.- Paroo, Dist.- Muzaffarpur
- 2. Rajendra Mahto S/O Parsad Mahto Village- Fatehbaad, P.S.- Paroo, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 73633 of 2025)
For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP
(In CRIMINAL MISCELLANEOUS No. 73732 of 2025)
For the Petitioner/s : Mr. Hans Lal Kumar, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

4 31-01-2026 Heard learned counsel for the petitioners, learned
APP for the State and perused the case diary.

2. The petitioners seek bail in connection with Paroo
P.S. Case No. 459 of 2025, instituted for the offences punishable
under Sections 25(1-B)(a), 26, 35 of the Arms Act and Section



30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 900 liters liquor was recovered from bush along with one loaded country made pistol and 4 live cartridges has been recovered from the petitioner in Cr. Misc. No. 73633 of 2025. It is alleged that 4 live cartridges have been recovered from petitioner no. 1 and 3 live cartridges have been recovered from petitioner no. 2 in Cr. Misc. No. 73732 of 2025. It is further alleged that 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. Charge-sheet has been submitted in this 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. Learned counsel for the petitioners also submitted that the alleged recovery has been made from an open place and the same is easily accessible to the public at large. It is further submitted that the petitioners have got no concern with the alleged recovery of arms. The petitioners are in custody since 30.08.2025 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 Paroo P.S. Case No. 459 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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