

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83229 of 2025

Arising Out of PS. Case No.-1208 Year-2025 Thana- Excise P.S. District- Gaya

1. Krishna Kumar S/o- Late Prabhu Mahto Village- Ramdayalu Nagar Bhikhanpur PS- Sadar, Dist- Muzaffarpur
2. Anshu Kumar S/o- Ramdhani Mahto Village- Ramdayalu Nagar Bhikhanpur PS- Sadar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 31-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise P.S. Case No. 1208 of 2025, instituted for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 720 liters liquor was recovered from Bolero pick-up vehicle and both 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. Learned counsel for the petitioners also submitted that the petitioners are neither owner nor driver of the vehicle in question rather they were only sitting inside the vehicle and have been arrested only on the basis of suspicion. The petitioners are in custody since 14.10.2025. Petitioner no. 1 has got one criminal antecedent and petitioner no. 2 has 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 Excise P.S. Case No. 1208 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of petitioner no. 1.



(II) The petitioner no. 1 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 petitioner no. 1.

(Rudra Prakash Mishra, J)

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