

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90968 of 2025

Arising Out of PS. Case No.-464 Year-2025 Thana- Excise P.S. District- Madhubani

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1. Santosh Kumar S/o- Late Ganeshi Yadav R/o- Baghdha PS-Kewti Chowk Kamtaul Distt- Darbhanga
 2. Prince Kumar S/o- Vishundev Singh R/v- Bhaiapatti Koriyani, W.No-5, Ps-Basopatti Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-01-2026 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise PS Sadar Case No. 464 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 270 liters Nepali liquor was recovered from tempo.

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



submitted that names of the petitioners have surfaced in this case as being driver and passenger of the vehicle in question and they were oblivious of the fact that illicit liquor was laden in the vehicle. The petitioners are in custody since 28.11.2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 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 petitioner No.1, namely, Santosh Kumar be released on bail, *after framing of charge, if not already framed*, and petitioner No.2, namely, Prince Kumar 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 PS Sadar Case No. 464 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)

Raj Kishore/-

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