

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9837 of 2025

Arising Out of PS. Case No.-343 Year-2024 Thana- SIDHWALIYA District- Gopalganj

1. Akhilesh Kumar Son of Late Sheo Balak Sahani Resident of Village- Sadhanpura, P.S.- Kathaiya, Distt.- Muzaffarpur
2. Parmeshwar Sahani S/o Late Sukeswar Sahani R/o vill - Jiwdhara Mushahari, P.S.- Pipra Kothi, Distt.- Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. Parmeshwar Sahani Son of Late Sukeswar Sahani Resident of Village- Jiwdhara Mushahari, P.S.- Pipra Kothi, Distt.- Motihari

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 12-05-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Sidhwalya PS Case No. 343 of 2024 instituted for the offences under Sections 30(a) & 41(1) of the Bihar Prohibition and Excise Act and Sections 318(4), 336(2), 336(3) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that 3483 liters foreign liquor was recovered from truck.

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 petitioner No.2 is the driver of the vehicle whereas petitioner No.1 is co-driver of the vehicle in question.. The petitioners are in custody since 08-12-2024 and petitioner No. 1 is a man of clean antecedent, whereas petitioner No.2 bears one criminal antecedent. 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 petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sidhwalya PS Case No. 343 of 2024, 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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