

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13582 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- PATHAMARI District- Kishanganj

1. Sunil Kumar Son of Shiv Balak Paswan Resident of Village- Pakri Pakohi, P.S.- Karja, Distt.- Muzaffarpur
2. Santosh Kumar Son of Ganesh Mahto @ Ganesh Mhto Resident of Village- Gidda (Gidha), P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Pathamari PS Case No. 37 of 2024 arising out of Special Case No. 334 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 1769.67 litres of liquor was recovered from Two Mahindra Bolero Pick-up vehicles.

4. Learned counsel for the petitioners submit 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 petitioner no. 1 is the driver of the seized Mahindra Bolero Pick-up vehicle bearing Registration No. BR06GF-3613 and petitioner no. 2 is the driver of the seized Mahindra Bolero Pick-up vehicle bearing Registration No. BR06GF-8412 and they have no knowledge regarding the nature of goods booked by the transporter. The petitioners are in custody since 25.12.2024. Petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal antecedent in which he is on bail. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted regular bail by this Court *vide* order dated 18.02.2025 passed in Cr. Misc. No. 8429 of 2025.

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 Pathamari PS Case No. 37 of 2024 arising out of Special Case No. 334 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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