

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32799 of 2025**

Arising Out of PS. Case No.-426 Year-2025 Thana- Excise P.S. District- Muzaffarpur

1. Sanjay Son of Rajjan Singh Resident of Village- Dungari, P.S.- Friends Colony, District- Etawah (UP).
2. Abhishek Son of Late Chhotela Resident of Village- Dungari, P.S.- Friends Colony, District- Etawah (UP).

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Bharat Lal, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      26-05-2025                      Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Muzaffarpur Utpad P.S. Case No.426 of 2025 registered for the offences punishable under Section 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018. Petitioners have clean antecedent.

3. As per the prosecution case, the police on a secret information inspected a container with a Haryana Registration Number bearing Registration No. HR74B-4849 and two person tried to flee, however, they were apprehended and they disclosed their names as Sanjay and Abhishek( the petitioners)



and on search, 135 litres of foreign liquor was recovered from a hidden cabin of the container.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner no.01 happens to be the driver and petitioner no.02 is the co-driver of the said container. It has been stated that they were not aware of the contents kept in the container and they merely acted upon the directions of the owner of the container. He next submits that no incriminating article has been recovered from the conscious physical possession of the petitioners. Lastly, it has been submitted that the petitioners have clean antecedent and are in custody since 07.04.2025. Learned counsel for the petitioners undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. The learned A.P.P. for the State has vehemently opposed the prayer for bail and has stated that total 135 litres of foreign liquor has been recovered from the container, which was driven by the petitioners.

6. Considering the aforesaid submissions made by the respective parties and taking into account that petitioners



are driver and co-driver of the container, let the petitioners, above named, be released on bail on deposition of a sum of Rs. 5,000/- each to the Patna High Court Legal Services Committee, Patna, and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing bail bond and thereafter on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Special Judge, Excise Court No.II, Muzaffarpur, in connection with Muzaffarpur Utpad P.S. Case No.426 of 2025, subject to the following conditions:-

**(i)** One of the bailors of the petitioners shall be their close relative.

**(ii)** The petitioners shall remain physically present in Court on each date of the trial.

**(iii)** In case of absence on two consecutive dates, or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the Court concerned.

**(iv)** If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bonds.



(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

Harshita/-

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