

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33612 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- Lakho District- Begusarai

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1. Sunil Kumar Son of Shiv Chandra Ray Resident of Village -Mirza Nagar Ward No.7 P.S- Mahua District -Vaishali
 2. Naresh Kumar son of Baleshwar Rai Resident of Village -Mirza Nagar Ward No.7 P.S- Mahua District -Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 28-05-2025 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 Lakho P.S. Case No. 66 of 2025, registered for the offences punishable under Section 30(a) 32(3), 41(1) and 41(2) of Bihar Prohibition and Excise Act. Petitioner No.1, namely, Sunil Kumar has one criminal antecedent while Petitioner No.2, namely, Naresh Kumar has clean antecedent.

3. As per the prosecution case, police on information that one truck was coming loaded with illicit liquor, intercepted the said vehicle and two persons were apprehended who disclosed their names as Sunil Kumar (petitioner no.1) and Naresh Kumar (petitioner no.2), who happens to be the co-driver and the driver of the said truck. On search, total 580 liters of illicit liquor was



recovered from the truck.

4. The learned counsel for the petitioners submits that the petitioner no. 2 is the driver of the said truck while petitioner no. 1 is the co-driver and they had no knowledge about the content which they were carrying on the truck. The learned counsel further submits that it was on the direction of their owner, the truck was being taken and they had no concern whatsoever with the seized material. It has lastly been submitted that though the petitioner no. 1 has one criminal case against his name, the petitioner no. 2 has clean antecedent and both are in custody since 09.04.2025.

5. The learned A.P.P. for the State has opposed the prayer for bail.

6. Considering the aforesaid submissions made by the respective parties and taking into account the fact that the petitioners are driver and co-driver of the truck, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioners, above named, 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 the court of learned Exclusive Special Excise Court No.1, Begusarai, in connection with Lakho P.S. Case No. 66 of 2025, subject to the following conditions:-



(i) One of the bailors of the petitioners shall be his 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 bond 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 his bail bond.

(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 bond 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)

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