

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38111 of 2025

Arising Out of PS. Case No.-401 Year-2025 Thana- SONEPUR District- Saran

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1. Nand Kumar Rai @ Raj Kumar Rai S/o Shankar Rai Village Barwe (Bakhe), P.s.- Dariyapur, District- Saran at Chapra
 2. Umesh Kumar S/o Wakil Yadav @ Wakil Rai Village- Ramjanipur, P.s.- Shiv Narayanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 19-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in Sonpur P.S. case No. 401 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 855.36 liters 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



further submitted that truck in question does not belong to the petitioners. The petitioner No. 1 is driver and petitioner No. 2 is cleaner and they had no knowledge regarding the nature of goods kept in the truck. The petitioners are in custody since 29.04.2025. The petitioner No. 1 has got one criminal antecedent whereas petitioner No. 2 has got two criminal antecedents. There is no compliance of Section 103 of B.N.S.S., 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 Sonpur P.S. case No. 401 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)

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