

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43413 of 2025

Arising Out of PS. Case No.-55 Year-2025 Thana- KORANSARAI District- Buxar

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1. Jitendra Pandey S/o Vijay Pandey Resident of village-Haldi, Police Station-Haldi, District-Ballia (U.P)
 2. Sunil Kumar Yadav S/o Govind Singh Yadav @ Govinder R/o Village-Nawadih , P.S-Koransarai, District-Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Rai Sharma, Adv.

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Koransarai P.S. Case No. 55 of 2025 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 434.88 liters of illicit liquor from the truck. The petitioners were arrested on the spot.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. The petitioner no.1 is the driver whereas the



petitioner no.2 had taken lift in the truck and they were completely unaware of the liquor being loaded on the truck. The petitioners have no concern with the seized liquor. The petitioners have also no concern with the alleged seized truck. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner no.1 has got no criminal antecedent whereas petitioner no.2 has one criminal antecedent in which he is on bail and are languishing in judicial custody since 09.05.2024 without any rhyme or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners, let the petitioners, abovenamed, 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 Koransarai P.S. Case No. 55 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family



members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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