

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61925 of 2025

Arising Out of PS. Case No.-231 Year-2025 Thana- GUTHANI District- Siwan

1. Dharmendra Kumar Son of Late Raj Kumar Poddar village - Vishnupur , Police station - Pusa , District - Samastipur
2. Upendra Kumar son of Parshuram Ray @ Prasuram Ray Resident Of Village - Juafar, Ps- Bhagwanpur hat, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-09-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Guthani P.S. Case No. 231 of 2025, registered for the offences under Sections 317(5), 318(4), 3(5) of the BNS and Section 30(a) and Section 41(i) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, recovery of 1667.520 litre of India made foreign liquor was made from a Hyva truck and the petitioners were apprehended when they tried to flee away from the truck on seeing the police party, when the truck was signalled to stop.



4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners are driver and co-driver of the truck from which the recovery has been shown but they are neither the owner nor any co-passenger on the said truck and it is a commercial vehicle and the petitioners were not having any knowledge that it was loaded with illicit liquor. Nothing incriminating has been recovered from the conscious possession of the petitioners. Learned counsel further submits that the petitioners are having clean antecedent and are in custody since 01.07.2025. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that the petitioners are stated to be driver and co-driver of the alleged vehicle and further considering the period of custody of the petitioners, their clean antecedent and submission of charge sheet against them, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Excise Court-I, Siwan/concerned court, in connection with Guthani P.S. Case No. 231 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three 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.

(Arun Kumar Jha, J)

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