

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67678 of 2025

Arising Out of PS. Case No.-427 Year-2025 Thana- SAHEBGANJ District- Muzaffarpur

1. Sonu Kumar S/o Rambabu Sah @ Rambau Sah R/o Village- Shambhuchak, P.S.- Kalyanpur, District- East Champaran at Motihari
2. Ashu Kumar @ Aashu Kumar S/o Guddu Das R/o Village- Gariba, P.S.- Kalyanpur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Sahebganj P.S. Case No. 427 of 2025 registered for the offences punishable under Section 317(5) of the BNS and Sections 30(a) and 32 of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the F.I.R., recovery of 372.060 liters of foreign liquor has been made from a tractor without bearing any registration no. which is the subject matter of the present case.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have falsely been implicated in this case. They have got no criminal antecedent. Petitioner no. 2 was the driver of the tractor and petitioner no. 1 is alleged to have sat on the tractor, both the petitioners are not aware about the illicit liquor which was alleged to have recovered from the tractor rather they are labour and does their job for livelihood. Learned counsel further submits that seizure list has not been prepared in accordance with law because no recording of such search and seizure through audio and video electronic means has been made as the same is mandatory under Section 105 of BNS and apart from it no independent witnesses of the seizure list. Petitioners are in custody since 29.07.2025.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioners.

6. Keeping in view the aforesaid facts and considering the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise Court No.-II, Muzaffarpur in connection with
Sahebganj P.S. Case No. 427 of 2025 subject to the
following conditions :-

(i). Petitioners will remain physically present in
trial on each and every date till the disposal of the case
failing which, on two consecutive dates without reasonable
cause, the bail bond of the petitioner may be cancelled by
the Trial Court.

(ii). One of the bailor shall be their family
member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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