

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87539 of 2025

Arising Out of PS. Case No.-81 Year-2025 Thana- Mathurapur District- Samastipur

1. Sunil Kumar @ Sunil S/o Rajendra Singh Resident of Village - Udaishipur, P.S.- Ganour, District - Sonipat (Hariyana)
2. Rakesh Kumar @ Rakesh S/o Dharampal Singh Resident of Village - Udaishipur, P.S.- Ganour, District - Sonipat (Hariyana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar Singh, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 10-03-2026 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Mathurapur P.S. Case No. 81 of 2025, instituted for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and u/s 318(4), 338, 336(3), 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that total 5236.2 liters liquor was recovered from truck (container).

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this 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. The petitioner no.1 is the driver and petitioner no.2 is the assistant driver of the alleged vehicle and they have no knowledge regarding nature of goods loaded on the said vehicle. The petitioners are in custody since 14.10.2025 and have got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mathurapur P.S. Case No. 81 of 2025, subject to the following conditions:

(I) One of the bailors shall be the petitioners' own or close member.



(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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