

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89693 of 2025

Arising Out of PS. Case No.-974 Year-2025 Thana- Excise P.S. District- Kishanganj

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1. Golu Kumar S/o- Achchelal Mahto Village- Bhawanipur PS- Turki, Dist- Muzaffarpur
 2. Amarnath Kumar S/o- Hulash Sahni R/o- Mishrauliya, Afzalpur Ps- Belsar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 07-01-2026 Heard the learned counsel for the petitioners and

learned APP for the State.

2. Petitioners, who are in custody, seeks bail in connection with Madya Nisedh P.S. Case No. 974 of 2025 registered for the offence(s) punishable under Section(s) 30(a)/32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, a total of 225 litres of foreign liquor is stated to have been recovered from two pickup vehicles and the petitioners were apprehended at the spot.

4. The learned counsel for the petitioners submits

that petitioner no. 1 was the driver and petitioner no. 2 was the co-driver of the vehicle and that they were not aware of the contents kept in the van. It is further submitted that the petitioners have been falsely implicated in the present case and that they were merely obeying the order of their employer, having no concern whatsoever with the recovered liquor. The learned counsel lastly submits that the petitioners have clean antecedent and they are in custody since 01.12.2025.

5. The petitioners are willing and undertakes to deposit a sum of Rs. 2,500/- each with the Advocate Association, Patna High Court.

6. The learned A.P.P. has vehemently opposed the prayer for bail.

7. Regard being had to the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection Madya Nisedh P.S. Case No. 974 of 2025, subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative and the other shall be the local resident.

(ii) The petitioners shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two 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.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. The bail bond of the petitioners shall be accepted by the learned Trial Court on showing receipt of

deposit of aforesaid amount with the Advocate Association,
Patna High Court.

9. Accordingly, the prayer for bail is allowed.

10. It is made clear that the observation, if any,
made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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