

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43361 of 2024

Arising Out of PS. Case No.-105 Year-2024 Thana- Excise P.S. District- Vaishali

Shivam Kumar S/o Late Shiv Kumar Paswan Resident of vill Chaksingar PS
Jurawanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Shankar Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 24-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Hajipur Excise P.S. case
No. 105 of 2024 instituted for the offences under Sections
30(a), 32(3), 41(1) and (2) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that 70 liters liquor
was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered
from the conscious possession of the petitioner. The petitioner
has got no concern with the alleged recovery of liquor. It is



further submitted that the motorcycle in question does not belong to the petitioner. The petitioner was just a passersby and at the time of incidence, he was passing through the road. The petitioner is in custody since 09.04.2024 and has got one criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Hajipur Excise P.S. case No. 105 of 2024.

(Rudra Prakash Mishra, J)

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