

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70969 of 2024

Arising Out of PS. Case No.-787 Year-2024 Thana- Excise P.S. District- Aurangabad

Sammi Kumar @ Shammi Kumar S/o- Jay Prakash Singh Resident of Village
-Narkapi, P.S- Salaiya, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar, APP

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

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 787 of 2024 instituted for the offences under
Sections 30(a)/32(3)/141(1)41(2) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per prosecution case, the police has recovered
total 181.440 liters illicit country-made liquor from the dickey
of Hundai car bearing Regd. No. DL3CAL-8276.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
Nothing incriminating has been recovered from his conscious



possession of the petitioner or from his house. The petitioner is not the owner of the alleged vehicle and is also not the driver of the same. There is a non-compliance of Section 103 of the B.N.S.S., 2023 which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 14.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, 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 Excise P.S. Case No. 787 of 2024.

(Rudra Prakash Mishra, J)

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