

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.81472 of 2024**

Arising Out of PS. Case No.-138 Year-2024 Thana- Excise P.S. District- Gaya

Akhilesh kumar S/o- Late Ranjit Malakar Village-Bihar Sharif Neem Ganj Ps-  
Bihar Sharif Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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

ORAL ORDER

2      02-12-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Sherghati P.S. Case No. 138 of 2024 instituted for the offences punishable under Sections 30(a), 32(c) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 85.59 litres of liquor has been recovered from the Auto.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the vehicle. It is further



submitted that petitioner is only the driver of the vehicle in question and was unaware that the illicit liquor has been loaded in the vehicle. The petitioner is in custody since 26.08.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP 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, clean antecedent 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 Sherghati P.S. Case No. 138 of 2024.

**(Rudra Prakash Mishra, J)**

Alok Verma/-

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