

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81977 of 2024

Arising Out of PS. Case No.-1006 Year-2024 Thana- Excise P.S. District- Gaya

Abhay Kumar Singh Son of Ragho Singh @ Radho Singh Resident of
Village- Tona Tanrh, P.S.- Itkhori, District- Chatra, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 03-12-2024 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. 1006 of 2024 instituted for the offences under
Sections 30(a) and 32(c) of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per prosecution case, the police has recovered
total 171 litres illicit foreign liquor from Maruti Suzuki Desire
car bearing Registration No. JH02BP7216.

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. The petitioner is the driver of the alleged vehicle



and had no knowledge of the alleged liquor being kept in the vehicle. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the seized liquor or the alleged vehicle. There is also non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 27.09.2024 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, stating that the petitioner is named in the F.I.R. and hence, he does not deserve bail.

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. 1006 of 2024.

(Rudra Prakash Mishra, J)

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