

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83835 of 2024**

Arising Out of PS. Case No.-810 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Ashutosh Kumar Son of Awaddh Bihari R/O-Village- Nasrriganj, PS-  
Nasriganj, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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

ORAL ORDER

2      09-12-2024                      Heard learned counsel for the petitioner and  
learned APP for the State.

2.      The petitioner seeks bail in connection with  
Excise Kaimur PS Case No. 810 of 2024 instituted for the  
offences under Sections 30(a), 32(i),(iii), 41(i) and 41(ii) of  
the Bihar Prohibition and Excise Act.

3.      The prosecution case, in short, is that total  
152.28 litres of country made liquor was recovered from  
Car.

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 submitted that petitioner is the driver of the seized vehicle and he has no knowledge regarding the nature of goods kept in the vehicle. The petitioner is in custody since 20.10.2024 and has got one criminal antecedent in which he is on bail. There is no compliance of Section 103 of B.N.S.S.

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, clean antecedent of the petitioner 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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Kaimur PS Case No. 810 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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