

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85800 of 2024**

Arising Out of PS. Case No.-549 Year-2024 Thana- Excise P.S. District- Siwan

Raju Sharma Son of Late Shivnath Sharma @ Late Subhanath Sharma  
Resident of Village- Kasmar Ward No. 5, P.S.- Pahleja Ghat, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, APP

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

ORAL ORDER

2      17-12-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with Siwan  
Excise PS Case No. 549 of 2024 instituted for the offences  
under Sections 30(a) & 32(3) of the Bihar Prohibition and  
Excise Act.

3.      The prosecution case, in short, is that 175.680 liters  
foreign liquor was recovered from *tempo*.

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. Petitioner is the



driver of the *tempo* in question, but he was oblivious of the fact that illicit liquor was loaded in the vehicle. The petitioner is in custody since 13-09-2024 and has got no 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, 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) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Siwan Excise PS Case No. 549 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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