

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10753 of 2025

Arising Out of PS. Case No.-44 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Jay Prakash S/O Late Lakshmishankar R/O Charitarban, P.S- Town, Distt.-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha, Adv.

For the Opposite Party/s : Mr. Nityanand Tiwary, APP

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

ORAL ORDER

2 07-03-2025 Heard learned counsel for the petitioner and Mr.

Nityanand Tiwary, learned APP for the State.

2. The petitioner seeks bail in connection with

Kaimur Excise Case No. 44 of 2025 instituted for the

offences under Sections 30(a), 32(i) & (iii), 41(1)(2) of the

Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered

total 440.280 liters of illicit foreign liquor from a car bearing

Regd. No. JH05AD-9399. The petitioner was arrested on the

spot.

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 merely on the basis of suspicion. The petitioner is the driver of the alleged vehicle but, has no concern with the alleged recovery of illicit liquor. The petitioner was not aware of the contents of the material loaded in the car, in question. The three mobiles recovered by the police belong to the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.01.2025 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 Kaimur Excise
Case No. 44 of 2025.

(Rudra Prakash Mishra, J)

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