

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28322 of 2025

Arising Out of PS. Case No.-123 Year-2025 Thana- Excise P.S. District- Aurangabad

Vivek Kumar Singh Son of Mahendra Singh Resident of Village - Simari,
Police Station - Tandwa, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 05-05-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. The petitioner seeks bail in connection with Aurangabad Excise P.S. Case No. 123 of 2025 instituted for the offences under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, the police has recovered total 328.320 liters of illicit foreign liquor from the car. 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.



The petitioner is the driver of the alleged vehicle. The petitioner is not the owner of the vehicle, in question rather the owner is one Umesh Jaiswal. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner, being a driver, was not aware of the contents of the material loaded in the alleged car. 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 01.02.2025 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 Aurangabad Excise P.S. Case No. 123 of 2025.

(Rudra Prakash Mishra, J)

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