

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28111 of 2025

Arising Out of PS. Case No.-151 Year-2025 Thana- Excise P.S. District- Nawada

Md. Aslam Son of Md. Kyumm Village- Ansarngar, Ps- Bundelkhand, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Nawada Excise P.S. Case No. 151 of 2025 instituted for the
offences under Sections 30(a) and 47 of the Bihar Prohibition
and Excise Act.

3. As per prosecution case, the police has recovered
total 90 liters of illicit country-made liquor from the Toto. The
petitioner was arrested on 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 neither owner nor driver of the Toto. The petitioner was sitting on the back side of the passenger seat and was not aware about the contents of material loaded in the alleged Toto. 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. 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 08.03.2025 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 Nawada Excise
P.S. Case No. 151 of 2025.

(Rudra Prakash Mishra, J)

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