

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29907 of 2025

Arising Out of PS. Case No.-39 Year-2025 Thana- Excise P.S. District- Nawada

Sivan Kumar @ Shiwan Kumar S/O Mukesh Rajwanshi @ Mukesh Ram
Resident of Village- Ramdev Mor, Police Station- Akbarpur, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kshem Sharma, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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

ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Excise P.S. case No. 39
of 2025 instituted for the offences under Sections 30(a) and 47
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 167.5 liters
liquor was recovered from two motorcycles. The petitioners
were arrested on spot.

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



further submitted that the name of the petitioner has transpired on the basis of secret information received by police. The petitioner is not the owner of the motorcycle in question. The petitioner is in custody since 21.01.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

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 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 Excise P.S. case No. 39 of 2025.

(Rudra Prakash Mishra, J)

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