

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.36978 of 2025**

Arising Out of PS. Case No.-174 Year-2025 Thana- Excise P.S. District- Banka

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Goutam Sharma @ Gautam Sharma Son of Late Dinesh Sharma Resident Of  
Village -Bishambarchak, Ps -Amarpur, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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

2      17-06-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Banka  
Excise P.S. Case No. 174 of 2025 instituted for the offences  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2016.

3. As per prosecution case, the police has recovered  
total 158 liters of illicit country-made liquor from the Auto.

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.  
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  
is the owner of the seized auto-rickshaw, in question, and was



not aware of the contents of the material loaded in the same as he runs the vehicle for commercial purposes. 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 8.04.2025 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 Banka Excise P.S. Case No. 174 of 2025.

**(Rudra Prakash Mishra, J)**

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