

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39943 of 2025

Arising Out of PS. Case No.-1 Year-2025 Thana- BHUTAHI District- Sitamarhi

Sharwesh Kumar @ Sarvendra Kumar S/o Rajendra Singh R/o Village-
Ramnagra, Ward No. 06, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
		Ms. Divya Bharti, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, APP

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

ORAL ORDER

2 25-06-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bhutahi PS Case No. 01 of 2025 instituted for the offences
under Section/s 30(a) of the Bihar Prohibition and Excise Act
and Section 317(2) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that 189 liters
Nepali liquor was recovered from Auto.

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 submitted



that petitioner is neither the driver nor the owner of the tempo in question. He further submits that he has no concern with the Auto in question. The petitioner is in custody since 21-04-2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 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 of the petitioner 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 Bhutahi PS Case No. 01 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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