

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41145 of 2025

Arising Out of PS. Case No.-300 Year-2025 Thana- Excise P.S. District- Kaimur (Bhabua)

Biteshwar Nath Pandey @ Bateshwar Nath Pandey S/o Late Gorakh Nath Pandey Resident of village- Police Line, Ward No.- 10, P.S.- Nawada, District- Bhojpur, State- Bihar, at present working as a Member (DCC) Rohtas Sasaram in State Consumer Dispute Redressal Commission, Bihar, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 03-07-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kaimur (Bhabhua) Excise P.S. Case No. 300 of 2025 instituted for the offences under Sections 30(a), 32(1), 32(3), 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 224.640 liters of illicit foreign liquor from the car.

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 merely on the basis of suspicion. 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 neither driver nor owner of the alleged Scorpio vehicle. The petitioner was not aware of the contents of the material loaded in the alleged vehicle. 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 29.04.2025 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 Kaimur (Bhabhua) Excise P.S. Case No. 300 of 2025.

(Rudra Prakash Mishra, J)

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