

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75189 of 2025

Arising Out of PS. Case No.-292 Year-2025 Thana- EXCISE SHERGHATI District- Gaya

1. Shivam Kumar S/o Nalambar Singh R/o Village - Mander, P.S - Mander, District - Ranchi, State - Jharkhand
2. Ganga Singh S/o Hari Singh R/o Village - Mander, P.S - Mander, District - Ranchi, State - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 03-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in connection with Excise (Sherghati) P.S. Case No. 292 of 2025 instituted for the offences under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered total 324 liters of illicit foreign liquor from the car.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case due to highhandedness of the police. He further



submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized liquor. The petitioners are neither owner nor driver of the seized Scorpio and they have been implicated in this case merely on the basis of suspicion. The name of the petitioners has transpired in this case on the basis of the disclosures made by the driver Krishna Kumar which has no evidentiary value in the eye of law. The petitioners have never indulged either in manufacturing or trading of the illicit 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 petitioners have no criminal antecedent and are languishing in judicial custody since 20.09.2025 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 petitioners.

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 petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties



of the like amount each to the satisfaction of Court
below/concerned Court in connection with Excise (Sherghati)
P.S. Case No. 292 of 2025.

(Rudra Prakash Mishra, J)

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