

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75116 of 2025

Arising Out of PS. Case No.-277 Year-2025 Thana- Excise P.S. District- Bhagalpur

Bibhuti Kumar S/o Kishore Sharma R/o Village- Kharik Bazar Ward No. 13,
P.S.- Kharik, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in connection with Excise
(Sadar) P.S. Case No. 277 of 2025 instituted for the offences
under Sections 30(a) and 47 of the Bihar Prohibition and Excise
Act.

3. As per prosecution case, the police has recovered
total 207 liters of illicit foreign liquor from the Tempo.

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.
The petitioner is the driver of the alleged Tempo. 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 was not aware of the contents of the material loaded in the alleged Tempo. The petitioner has 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 petitioner has no criminal antecedent and is languishing in judicial custody since 01.09.2025 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 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.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise (Sadar) P.S. Case No. 277 of 2025.

(Rudra Prakash Mishra, J)

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