

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79642 of 2025

Arising Out of PS. Case No.-360 Year-2025 Thana- TURKAULIYA District- East
Champaran

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Harshit singh Son of Gaya prasad Resident of Village - Mancha,P.S. -
Moginpur, Dist. - Kanpur(U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Ms. Harsha Shashwat, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

ORAL ORDER

2 25-11-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Turkauliya P.S. Case No. 360 of 2025, instituted for the offences
punishable under Sections 318(4), 338, 336(3), 340(2) of the
Bharatiya Nyaya Sanhita, 2023, read with Sections 30(a), 30(b),
32(2), 32(3), 33, 36, 41(1) and 41(2) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 2960 liters
spirit and 75 sack of lime was recovered from truck and the
petitioner was apprehended on spot.



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 spirit. Learned counsel for the petitioner also submits that the petitioner is driver of the truck in question and he has got no knowledge with regard to the nature of goods loaded in the vehicle. The petitioner is in custody since 24.07.2025 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP 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 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 ***after framing of charge, if not already framed*** 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 Turkauliya P.S. Case No. 360 of 2025, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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