

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87313 of 2024

Arising Out of PS. Case No.-1197 Year-2024 Thana- Excise P.S. District- Kishanganj

Shivji Kumar son of Suresh Mahato R/o vill - Khoksaha, ward no. 18, P.S. -
Vibhutipur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Madya
Nisedh P.S. Case No. 1197 of 2024 giving rise to Special Case
No. 1217 of 2024 instituted for the offences under Section 30(a)
and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
total 837 litres of illicit Indian-made foreign liquor from the
Bolero Pick-up vehicle bearing Regd. No. BR09R-2050.

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.
He further submits that nothing incriminating has been recovered
from the conscious possession of the petitioner. The petitioner is
not the owner of the seized vehicle. Though, the petitioner is the



driver but, had no knowledge of the illicit liquor being kept in the alleged vehicle. The petitioner has no concern with the seized 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 19.10,2024 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 Madya Nisedh P.S. Case No. 1197 of 2024 giving rise to Special Case No. 1217 of 2024.

(Rudra Prakash Mishra, J)

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