

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84491 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- Bankebazar District- Gaya

Kapil Sao @ Kapil Kumar S/O Late Madan Sao @ Late Madan Saw R/O
Vill.- Baidhbigha,P.S- Harihargang, Dist.- Palamoo, Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Devi, APP

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

ORAL ORDER

2 04-12-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Bankeybazar PS Case No. 147 of 2025 instituted for the
offences under Section/s 30(a) & 33 of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 160 liters
spirit was recovered from Tata Punch. It is further alleged that
560 liters spirit was recovered from Scorpio.

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 liquor. It is submitted that petitioner was merely passenger of the Tata Punch in question and he was not aware that illicit liquor was loaded in the vehicle. The petitioner is in custody since 13.10.2025 and has got no criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. 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, clean antecedent of the petitioner 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 on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bankeybazar PS Case No. 147 of 2025.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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