

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88664 of 2024

Arising Out of PS. Case No.-508 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

Vivek Kumar S/O Brij Kishore Sahani @ Breez Brij Kishore Sahani R/O
Village- Belbanwa, P.S - Motihari Town, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv.
For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Muffasil P.S. Case No. 508 of 2024 instituted for the
offences under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, the police has recovered
44 liters of illicit liquor from the e-rickshaw bearing Regd. No.
BR05ER-7663.

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 due to village politics. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was only the passenger on the r-rickshaw and had no knowledge of the illicit liquor being kept on the same. The petitioner has never indulged in transporting of the illegal liquor. The petitioner has no concern either with the e-rickshaw or 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 21.10.2024 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 Muffasil P.S. Case No. 508 of 2024.

(Rudra Prakash Mishra, J)

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