

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87307 of 2024

Arising Out of PS. Case No.-333 Year-2024 Thana- DURGAWATI District- Kaimur (Bhabua)

Nagendra Ram S/O Surendra Ram Resident of Village- Jamira, P.S- Mufassil
Ara, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarfraz Ahmad, Adv.

For the Opposite Party/s : Mr.Arvind Kumar Pandey(App84), APP

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

ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Durgawati P.S. Case No. 333 of 2024 instituted for the offences
under Sections 338/336(3) of the B.N.S. and Section 30(a) of
the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, the police has recovered
total 219.96 liters of illicit liquor from the car bearing Regd. No.
UP38Y-4689. The petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case with false and frivolous allegations. The petitioner
has not committed any offence as alleged in the F.I.R. He further



submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner is the driver of the Wagon R car, in question, of the alleged vehicle and, thus, he was not aware of the illicit liquor being kept in the same. The petitioner is not the owner of the alleged vehicle and has also no concern with the recovered liquor. There is no specific allegation against the petitioner. There is no independent witness who have made any allegation against the petitioner. 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 28.10.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, 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 Durgawati P.S. Case No. 333 of 2024.

(Rudra Prakash Mishra, J)

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