

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.654 of 2025

Arising Out of PS. Case No.-49 Year-2024 Thana- Amhara P.S. (I.I.T.A. Bihta) District- Patna

Birbal Yadav Son of Ram Prasad Resident of village-Hariharpur Tola Gobarhi
PS Sinduriya Bazar Dist Mahrajganj (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Anand, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

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

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
Special Case No. 3474 of 2024, I.I.T. Amhara P.S. Case No. 49
of 2024 instituted for the offences punishable under Sections
30(a), 32(ii)(iii), 36, 41(i)(ii) of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that total 2682
litres of liquor was recovered from truck.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is not the owner of the vehicle. It is further submitted that petitioner is only the driver of the vehicle in question and had no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 06.10.2024 and has one criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika 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 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 Excise Special Case No. 3474 of 2024, I.I.T. Amhara P.S. Case No. 49 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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