

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5407 of 2025

Arising Out of PS. Case No.-326 Year-2024 Thana- Excise P.S. District- Begusarai

BIRBAL PASWAN S/o- LATE SURAT PASWAN Resident of village-
Amarpur ward no 6 Ps- Barauni, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhusan Poddar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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

ORAL ORDER

3 21-02-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Begusarai Excise PS Case No. 326 of 2024 instituted for the
offences under Sections 30(a) and 32(3) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that 193.500
litres of foreign liquor was recovered from bus.

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 is neither the owner nor the driver of the seized



bus. It is further submitted that the petitioner was only passerby of the way. The petitioner is in custody since 23.09.2024 and has go no criminal antecedent. There is no compliance of Section 103 of B.N.S.S. Other co-accused has been granted regular bail by this Court *vide* order dated 29.10.2024 passed in Cr. Misc. No. 78248 of 2024.

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.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Begusarai Excise PS Case No. 326 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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