

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3877 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- Banjariya District- East Champaran

Rajesh Kumar S/O Bharat Prasad @ Prasad Bhagat R/O Village- Daroga Tola,
Ward No.- 2, P.S- Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parvin Kumar, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

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

ORAL ORDER

6 30-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Banjariya PS Case No. 325 of 2024 instituted for the offences
under Sections 317(5), 274 and 275 of the B.N.S. and 30(a), 41
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 43.200
litres of foreign liquor was recovered from Tempo.

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 the neither the owner nor the driver of the



seized tempo. It is further submitted that petitioner is a passenger of the tempo and he has no knowledge regarding the nature of goods kept in the vehicle. The petitioner is in custody since 28.10.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banjariya PS Case No. 325 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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