

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89998 of 2025

Arising Out of PS. Case No.-172 Year-2024 Thana- EXCISE SHERGHATI District- Gaya

Kapil Kumar Saw @ Kapil Saw @ Kapil Kumar S/o Late Prasad Saw @
Madan Saw @ Late Madan Saw R/o Village - Baidh Bigha Harigarganj
Satganwa, P.S - Hariharganj, District - Palamu, State - Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Excise
(Sherghati) PS Case No. 172 of 2024 instituted for the offences
under Section/s 30(a) & 32(c) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that 525 liters
liquor was recovered from Bolero vehicle.

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 vehicle in question and his name has surfaced in this case on the disclosure made by apprehended co-accused person. The petitioner is in custody since 14.11.2025 and has got one criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 08-01-2025, passed in Cr. Misc. No. 88123 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 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.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise (Sherghati) PS Case No. 172 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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