

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8668 of 2019

Arising Out of PS. Case No.-397 Year-2018 Thana- PARSABAZAR District- Patna

RAKESH KUMAR, Son of Late Rajendra Praad Yadav @ Rajendra Prasad,
R/o Mohalla- Sipara I.O.C Road, Ward no. 30, P.S- Beur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal, Adv.

For the Opposite Party/s : Mr.Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 06.12.2018 in a case registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise, Act, 2016.

The prosecution case got initiated on the basis of the self statement of Vijay Naraya Manjhi, A.S.I. to the Station House Officer, Parsa Bazar Police Station is to the effect that on 05.12.2018 at 2.00 A.M., during patrolling, an auto rickshaw was intercepted when the persons who were boarded inside the auto rickshaw, on seeing the police tried to escape from the scene, but were apprehended on chase being made by the police. The apprehended co-accused disclosed their names as Raushan Kumar, the driver of the auto rickshaw and Pheku



Raj. On frisking from them, 182.880 m.l. foreign illicit liquor were recovered from their possession. It is further alleged that the apprehended co-accused further disclosed that the petitioner and other co-accused persons were travelling on a motorcycle and they were following the auto rickshaw. Consequently, the petitioner was apprehended in an inebriated condition and during breath analyzer test, he was found having consumed 55.9m.g/100 mg alcohol.

It is submitted by learned counsel for the petitioner that the petitioner has maliciously been framed in the present case and admittedly, no recovery has been made from the conscious physical possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the petitioner was found having consumed illicit alcohol.

Considering the nature of accusation and the period of custody and the fact that the alleged recovery was not made from the conscious physical possession of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail



bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 11563 of 2018, arising out of Parsa Bazar P.S. Case No. 397 of 2018.

(Dinesh Kumar Singh, J)

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