

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38094 of 2020**

Arising Out of PS. Case No.-555 Year-2020 Thana- JAHANABAD District- Jehanabad

RAKESH KUMAR, Son of Kapil Yadav Resident of Village- Barbigha
(Devaria), P.S. and District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Akshya Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 05-02-2021 Heard Mr. Paras Nath, learned Counsel for the

petitioner and Mr. Akshya Lal Pandit, learned Additional Public

Prosecutor for the State.

This application, for grant of regular bail, arises out of

Excise Case No.743 of 2020, arising out of Jahanabad Police

Station Case No. 555 of 2020, disclosing offences under Section

30(a) of the Bihar Prohibition and Excise Act.

The allegation, as per the First Information Report is

that an auto-rickshaw was intercepted by the police which was

being driven by the petitioner and 158 litres of illicit country-made

liquor has been recovered from the said auto-rickshaw.

Learned counsel for the petitioner submits that the

petitioner has not committed any offence in the manner alleged and

he has falsely been implicated in this case merely on the basis of



the fact that the tempo/ auto-rickshaw was being driven by the petitioner. Learned counsel next submits that petitioner is not owner of auto-rickshaw and was not aware about the illicit liquor being kept by the owner, who had handed over the keyes of auto-rickshaw to the petitioner for driving. Learned counsel further submits that petitioner is in custody since 28.09.2019 having no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that petitioner is not the owner of the tempo/auto-rickshaw from which illicit liquor has been recovered and he is in custody since 29.09.2019 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, Rakesh Kumar, 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 Additional Sessions Judge-II, Jehanabad, in connection with Excise Case No.743 of 2020, arising out of Jahanabad Police Station Case No. 555 of 2020.

(Anil Kumar Sinha, J.)

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