

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40868 of 2020

Arising Out of PS. Case No.-47 Year-2020 Thana- KUDHNI District- Muzaffarpur

RAKESH KUMAR @ KALLU SON OF DEVENDRA RAI RESIDENT OF
VILLAGE- UBIYAH, P.S.- KUDHNI, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kudhni P.S. Case no. 47 of 2020 registered under sections 414 and 34 of the Indian Penal Code and sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received, three trucks were seized and from a truck bearing registration no. UP 25BT 4301, a total of 3440 litres of IMFL was recovered. It is stated that the arrested driver of the truck disclosed that he was instructed that any one of the five named accused persons including the petitioner herein would arrive to take the delivery of the goods.



It is submitted by learned counsel for the petitioner that except for the aforesaid statement of the co-accused driver, made before the police that the petitioner may be one of the five accused persons who may come to take delivery, there is no other material against the petitioner. He has no criminal antecedent and is in custody since 17.9.2020. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the nature of allegation and the petitioner being in custody since 17.9.2020, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kudhni P.S. Case no. 47 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur.

(Partha Sarthy, J)

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