

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65099 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- BHAGWANPUR District- Begusarai

RAKESH KUMAR Son of Naresh Chaudhari Resident of Village - Godhana,
Police Station - Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-06-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Bhagwanpur PS case no. 162 of 2021 instituted for the offences punishable under Sections 120(B) of the Indian Penal Code and 30(a), 41(1)(2) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The case of the prosecution in brief is that the informant upon receiving secret information that illicit liquor is being unloaded at Nawada Chakka Par road, he along with other police personnel had conducted a raid at the said place of occurrence and apprehended one Sumo vehicle along with the petitioner herein and upon search, 51 cartoons of illicit



foreign liquor was recovered. For the said incident, wherein the petitioner had been arrested, one Teghra PS case no. 244 of 2021 was registered. The petitioner was interrogated by the police and he had disclosed about the identity of the other co-accused persons who were having complicity in the alleged occurrence. Thereafter, the police force had reached at Nawada Chowk road where they found one truck parked, from which 6-7 accused persons were unloading illicit liquor and keeping the same in one Alto car. Thereafter, the police had apprehended the said truck and one Alto car and arrested one co-accused person namely Rajeev Kumar Choudhari and on search, 840.96 liters of illicit liquor was recovered. Upon interrogation, the said accused person had disclosed the name of the other co-accused persons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 26.10.2021. The learned counsel for the petitioner has further submitted that after the petitioner was arrested in the aforesaid Teghra PS case no. 244 of 2021, he has been remanded in the present case merely on the pretext that upon disclosure made by him, illicit liquor was recovered from a



truck and a car from Nawada Chowk, which is not true. It is further submitted that as far as the present case is concerned, the petitioner is not having any complicity in the matter and in fact, he can at best be stated to be having complicity in the aforesaid Teghra PS case no. 244 of 2021, in which he has already been granted bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that since the petitioner had already been arrested in connection with Teghra PS case no. 244 of 2021, there was no occasion for him to be present at Nawada Chowk, from where one Alto car and a truck along with illicit liquor was seized, this Court finds that *prima facie*, no case is made out against the petitioner, as far as the present bail petition is concerned, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each



to the satisfaction of learned court of A.D.J. II-cum-Special
Judge, Excise Act, Begusarai in connection with
Bhagwwanpur PS case no. 162 of 2021.

(Mohit Kumar Shah, J)

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