

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54800 of 2022

Arising Out of PS. Case No.-766 Year-2022 Thana- PHULWARISHARIF District- Patna

Rakesh Kumar S/o Ashok Chaudhary Resident of Kashmir Ganj, P.S.-
Masaudhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
PhulwariSharif P.S. Case No. 766 of 2022 lodged under
Sections 30(a), 37 of Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of 80 litre
wine has been made, which is the subject matter of the present
case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Counsel
submits that the said recovery was made from the back side of
the tempo which the petitioner was driving and another co-

accused Krishna was sitting on the back. Counsel further submits that the antecedent of the petitioner is clean and he is in custody since 04.07.2022 and that the charge sheet has already been filed in this case. Counsel submits that it may have happened that the passenger sitting in the tempo may have committed the said crime.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Court, Excise Patna City in connection with Phulwari Sharif P.S. Case No. 766 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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