

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4408 of 2023

Arising Out of PS. Case No.-384 Year-2022 Thana- MUFFASIL District- Aurangabad

RAKESH KUMAR, Male, aged about 25 years, Son of Sri Ramadhar Singh
Resident of Village- Gopi Bigha, P.S.- Dehri Muffasil, District- Rohtas
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 27-04-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Aurangabad Muffasil P.S. Case No. 384 of 2022 dated
10.11.2022 registered for the offence(s) punishable under
Section(s) 30(a) of Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
recovery of 199.980 litres of country made wine from a car in
which three persons were present but two of them allegedly
managed to flee and one of them, namely, Ravi Ranjan Singh,
was arrested, who has been granted bail by a co-ordinate
Bench of this Court vide order passed in Cr. Misc. Nos.117 of



2023 and one another co-accused, namely, Abhinav Kumar Singh, who had managed to flee away, has been granted anticipatory bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.74240 of 2022, as per allegation the petitioner was found riding on a motorcycle, being a liner, just ahead of the alleged car and the case of this petitioner stands on better footing from the said co-accused persons, who are on bail. Further submissions are that the seized vehicles do not belong to the petitioner and seized wine was not recovered from the conscious possession of the petitioner and he was made accused mainly on the basis of suspicion and he has been languishing in jail since 11.11.2022 and against him, there is criminal antecedent of one case in which he is on bail.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the privilege of bail having been granted to two co-accused persons and petitioner's case appears to be identical to the said co-accused persons, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail in connection with Aurangabad Muffasil P.S. Case No. 384 of 2022 on furnishing bail bond of



Rs.10,000/-(Ten Thousand) with two sureties of the like amount
each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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