

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8397 of 2023**

Arising Out of PS. Case No.-75 Year-2021 Thana- CHAKAND District- Gaya

RAJESH PRASAD Son of Late Sadhu Prasad R/v- Kolsaita, P.S.- Dumariya,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manish Chandra Gandhi
	:	Mr. Vishnu Mohan Kumar Sinha
For the Opposite Party/s	:	Mr. Suman Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 02-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 467, 468, 471 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of a huge quantity of illicit foreign liquor i.e. 2100 liters of different brand from a truck bearing Registration no. CG12AV-0852.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Petitioner is neither owner nor driver of the truck in question from where the recovery of liquor has been made and



he has also no concern with the wine in question. It is further submitted that CDR of mobile no. of the petitioner was found near the place of occurrence due to this reason he has also been made accused in this case. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Moreover, he is languishing in judicial custody since 13.12.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Chakand P.S. Case No. 75 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya.

(Sunil Kumar Panwar, J)

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