

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13275 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- AMBA District- Aurangabad

RAHUL KUMAR S/O Bhola Paswan R/V- Simri Bala, P.S.- Kutumba,
District- Aurangabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-05-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Amba P.S. Case No. 317 of 2022 dated 29.12.2022 registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise Act and Sections 25(1-b)a, 26, 35 of the
Arms Act.

3. The main submissions advanced by petitioner's
counsel are that the seizure list of the present matter was not
prepared at the spot, as per FIR police got the information about
the smuggling of alleged wine by two persons at 21.00 PM and
within a span of ten minutes from the said information, police
started checking vehicles and the said fact casts a serious doubt
on the prosecution's allegation as it was impossible for the



police to start checking of the vehicles in such a short period of time and police personnel have been made witnesses of the seizure and accordingly there is no independent person of recovery of the alleged articles. Further submissions are that as per allegation fifty litres of country-made wine kept in a *Sack* is stated to have been recovered from a motorcycle and the same is not stated to be recovered from the conscious possession of this petitioner and as per allegation only one country-made pistol is stated to have been recovered from the conscious possession of this petitioner. Further submissions are that the petitioner is a very young person and he has been languishing in jail since 30.12.2022 having fair and clean antecedent and against him investigation has been completed.

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

5. Considering the above submissions and mainly petitioner's fair and clean antecedent, his custody period and completion of investigation against him, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection



with Amba P.S. Case No. 317 of 2022.

(Shailendra Singh, J.)

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