

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16032 of 2023**

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

ROHIT KUMAR Son of Mahendra Prasad @ Mahendra Prasad Yadav  
Resident of Shanti Nagar, Panch Mandir Road Jamui, P.S.- Jamui, District –  
Jamui. ... .. Petitioner/s

Versus

The State of Bihar ... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Meena Singh

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

2      29-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner has prayed for bail in a case registered for  
the offence punishable under sections 272, 273/34 of the Indian Penal  
Code and Section 30(a), 36, 41(1) of the Bihar Prohibition and  
Excise Act.

Prosecution case relates to recovery of 2160 litres of  
IMFL from a truck and driver of the said truck was arrested on spot  
and he disclosed that the alleged truck is followed by a Dezire car in  
which four accused persons who are the actual dealer of the  
recovered liquor. From Dezire, co-accused Vikash Modi was  
apprehended on spot who disclosed the name of the petitioner as one  
of his associates.

Learned counsel appearing on behalf of the petitioner has  
submitted that petitioner is innocent and has committed no offence.  
He has no concern with the alleged recovery or with the vehicle in



question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 09.05.2022 passed in Cr. Misc. No. 64564 of 2021. He is languishing in judicial custody since 16.12.2022.

Learned APP appearing for the State has 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 enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Court, Excise-1, Jamui in connection with Malaypur P.S. Case No. 57 of 2021.

**(Sunil Kumar Panwar, J)**

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