

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18569 of 2023**

Arising Out of PS. Case No.-185 Year-2022 Thana- NOWKOTHI GARHPURA District-  
Begusarai

RAJESH KUMAR, aged about 38 years, Gender- Male, SON OF RAMDEV  
SINGH R/O VILLAGE- NAWKOTHI, P.S.- NOWKOTHI, DISTRICT-  
BEGUSARAI ... Petitioner/s

Versus

THE STATE OF BIHAR ... ... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, App

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**

ORAL ORDER

2      09-05-2023                      1.    Heard learned counsel for the petitioner and the  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
Nowkothi P.S. Case No. 185 of 2022 dated 15.12.2022  
registered for the offence(s) punishable under Section(s) 30(a)  
of the Bihar Prohibition and Excise Act and Sections 25(1-  
b)a/26/35 of the Arms Act.

3. The main submissions advanced by the learned  
counsel for the petitioner are that the instant matter relates to  
the recovery of 31.280 litres of English wine and the same is  
stated to have been recovered from two sacks kept on a  
motorcycle and petitioner is stated to be the driver of the said  
motorcycle and as per prosecution's allegation, petitioner and  
co-accused Mahatma Sahani were apprehended at the spot while  
riding on the alleged motorcycle but the alleged wine was not



recovered from the conscious possession of this petitioner, he was simply riding on the said motorcycle and the alleged firearm was recovered from the possession of co-accused Mahatma Sahani and the seizure list witnesses are official persons. Further submissions are that the petitioner has been languishing in jail since 16.12.2022 having fair and clean antecedent and against him, the investigation has been completed and he has no concern with the seized motorcycle.

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

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and completion of investigation against him and his custody period, 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 Nowkothi P.S. Case No. 185 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)**

Sanjay/-

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