

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17970 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Rakesh Kumar, Son Of Chhote Lal Sonkar @ Chhote Lal Village- Dalel Ganj
Ps- Darigaon Dist- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Shaheen Begum

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 50 litre of liquor from a motorcycle.

The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is next submitted
that the petitioner came to be implicated based on the fact that
the petitioner is the owner of the alleged vehicle. It is also
submitted that no prudent man would misuse his own vehicle



for committing a crime and thus, would get implicated. It is next submitted that petitioner had given his motorcycle to his brother Sunil Kumar and thus, was not aware that the vehicle would be misused in the manner as alleged. It is also submitted that Sunil was also arrested from the spot.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Sasaram Town (Darigaon) P. S. Case No.255 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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