

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38091 of 2023

Arising Out of PS. Case No.-249 Year-2022 Thana- RAGHOPUR District- Supaul

RAHAT KHAN @ RAHAT SON OF LATE RAJJAK @ LATE MD. RAJJAK
RESIDENT OF VILLAGE - GANDHINAGAR, WARD NO. 43, P.S. -
BHAKHTINAGAR, DISTRICT - JALPAIGURI (WEST BENGAL)

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 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 30(a), 329ii)(iii), 36,
41(i) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 1390.5 litres
liquor of different brands of foreign liquor from a truck and four
persons were arrested on spot.

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
place of occurrence. The name of the petitioner has been
disclosed in this case by the apprehended co-accused, namely



Suresh Kumar (owner-cum-driver of the said truck) 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. He is languishing in judicial custody since 27.4.2023.

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 Exclusive Special Judge, Excise Court No. 2, Supaul in connection with Raghopur P.S. Case No. 249 of 2022.

(Sunil Kumar Panwar, J)

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