

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45655 of 2023

Arising Out of PS. Case No.-380 Year-2021 Thana- SARAIYA District- Muzaffarpur

Rahul Kumar S/O Kamlesh Thakur R/O Village- Rasulpur, Aadhar, Ps. Karja,
Dist.Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 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 272, 273, 414/34 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act and Section 25(1-b)a, 26 and 35 of the Arms Act.

Prosecution case relates to recovery of 172.80 liters of liquor from the vehicles as detailed in the F.I.R. further Sudhir Kumar, Sanjiv Saurav, Prakash Kumar, Rahul Kumar (petitioner) and Deepak Kumar were arrested from the spot and from Sudhir Kumar one country made pistol along with a live cartridge was recovered while from the other accused persons including the petitioner mobile phones were recovered.

Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in the present case. He has no concern with the alleged recovery of liquor or arms or vehicle in question. During investigation, the name of the petitioner has been dragged in this case by the police without any cogent evidence. No any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The other accused namely Manish Mohan who is owner of one of the vehicle in question, has already been enlarged on bail by another coordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No.17422 of 2023 hence, the case of this petitioner stands on better footing of that of the co-accused. Moreover, the petitioner is languishing in judicial custody since 24.11.2022.

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
Judge, Excise Court No.II, Muzaffarpur, in connection with
Saraiya P.S. Case No. 380 of 2021.

(Sunil Kumar Panwar, J)

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