

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44806 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- MANIYARI District- Muzaffarpur

RAHUL KUMAR Son of Kamlesh Thakur Resident of village - Rasulpur,
Aadhar, P.S.- Karja, District - 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.Rana Randhir Singh

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, 273/34 of the IPC
and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of 4994.380
litres of IMFL from a truck bearing registration no. HP12C-
3091. Driver of the said truck 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 Nirmal Singh, 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. Provision of Section 100 CR.P.C. has not been followed by the police officials while preparing the seizure list. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 29.07.2022 passed in Cr. Misc. No. 64588 of 2021. Petitioner is languishing in judicial custody since 13.4.2023.

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 Special Judge Excise Court No. II, Muzaffarpur in connection with Maniyari PS Case No. 188 of 2021.

(Sunil Kumar Panwar, J)

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