

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55205 of 2023

Arising Out of PS. Case No.-191 Year-2022 Thana- BABUBARHI District- Madhubani

Rakesh Kumar, S/O Babu Ram Resident Of- 247, Mavi Mohalla Tekhand,
Okhla Phase 1 Ps. Okhla Industrial Estate, Dist. South Delhi

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-08-2023 1. The defect No.6.1, as pointed out by the office, is ignored.
2. The learned counsel for the petitioner is permitted to remove the other defects during the course of the day.
3. Heard learned counsel for the petitioner and learned APP for the State.
4. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 272, 273 and 420/ 34 of the I.P.C. and Section 30(a), 32(ii)(iii), 41(i)(ii) of the Excise Act.
5. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the allegation is of recovery of 2178 litres of liquor from a container.
6. The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and he came to be



implicated based on the fact that he is owner of the seized container. It is further submitted that petitioner is a businessman and no prudent businessman would use his own vehicle for committing a crime and thus, would create evidence against himself and hence, would get implicated and the at the same time, would bring his disrepute to the business. It is further submitted that petitioner was completely unaware that the driver would misuse the vehicle in the manner as alleged.

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

8. 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 A.D.J.-II-cum- Special Judge, Excise Act, Madhubani in connection with Babubarhi P. S. Case No.191 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

(Satyavrat Verma, J)

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