

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49236 of 2023

Arising Out of PS. Case No.-831 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

Rakesh Kumar Son Of Vishesar @ Bisesar Yadav @ Bileshar Yadav R/O
Village- Badroi, Ps- Masauri, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Excise
Patna P.S. Case No. 831 of 2023 registered for the offence under
Sections 30(a) and 56(b) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 18.05.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 90 litres of IMFL/country made liquor from the alleged vehicle.

5. Learned counsel appearing on behalf of the petitioner
submitted that as per seizure list, recovery of alleged illicit liquor not
appears to be made from the conscious physical possession of this



petitioner, where seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Excise Patna P.S. Case No. 831 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

U		T	
---	--	---	--

