

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53021 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- KUDHNI District- Muzaffarpur

1. Rakesh Kumar Son of Yogendra Rai Resident of Village - Keshopur, P.s. - Kudhani, Distt. - Muzaffarpur
2. Sanjeev Paswan @ Sanjeev @ Sanjeev Kumar, Son of Khakhan Paswan Resident of Village - Padhmaul Tola Dyalpur, P.s. - Kudhani, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Adv.
For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-08-2023 Heard Mr. Gajendra Kumar Singh, learned counsel for the petitioners and learned APP for the State.

2. At the outset, learned counsel for the petitioners submits that during pendency of the present application, the petitioner no.2 got arrested, and as such, he seeks permission to withdraw the application on his behalf.

3. Permission is accorded.

4. The petitioner no.1 Rakesh Kumar apprehends his arrest in connection with Kudhani P.S. Case No. 263 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

5. The brief facts of the case is that the police on a



secret information conducted raid and apprehended one Khakhan Paswan. On search 8.250 liters of illicit foreign liquor was recovered from the hut of the apprehended person, who disclosed the name of the petitioner and other as his fleeing accomplice.

6. Learned counsel for the petitioner submits that from the FIR, it is evident that the alleged recovery has been made from the hut of Khakhan Paswan and the petitioner has neither any concern with the hut in question nor with the alleged recovery of illicit wine. He further submits that barring the confessional statement of co-accused that too before the police, there is no other material suggesting the complicity of the petitioner. Moreover, the petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the investigation/trial.

7. On the other hand, learned counsel for the State opposes the bail application.

8. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a place where the petitioner has no concern, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kudhani P.S. Case No. 263 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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