

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68266 of 2022**

Arising Out of PS. Case No.-483 Year-2022 Thana- BHABHUA District- Kaimur (Bhabua)

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Rahul Singh Son of Nagina Kushwaha @ Ram Nagina Singh R/v- Piyan,  
P.S.- Sonhan, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Kumar Sunil, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      24-03-2023              Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bhabua (Sonhan) P.S. Case No. 483 of 2022 registered for the offences punishable under Sections 30(a), 41(i) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution, the police personnel on secret information raided the alleged place and recovered in total 113.400 litres of foreign liquor from the alleged vehicle and the said vehicle belongs to this petitioner.

The main submissions advanced by learned counsel for

petitioner are that the petitioner was not arrested at the time of recovery of the alleged liquor, the seized wine/liquor was not recovered from conscious possession of this petitioner and the same did not belong to him and he is not the owner of the alleged car and the same was found at an open place which was accessible to everyone. Further submissions are that the petitioner himself surrendered before the Court below and has been languishing in jail since 10.10.2022 and against him the investigation has been completed and the witnesses of the seizure are official personnel who cannot be deemed to be independent persons.

Learned APP for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's custody period and stage of his case and also the fact that he was not arrested at the spot when the alleged recovery was made, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bhabua (Sonhan) P.S. Case No. 483 of 2022.

**(Shailendra Singh, J)**

Shahnawaz/-

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