

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64678 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- MAHKAR District- Gaya

RAKESH KUMAR son of Awadhesh Ram @ Awadhesh Prasad Village-
Dhansingra P.S.- Mahkar District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Arvind Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with
Mahkar P.S. Case No. 95 of 2023 registered for the offences
punishable under Sections 30(a) of Bihar Prohibition and Excise
Amendment Act.

3. The police on a secret information, seized a Mahindra
Xylo vehicle which was parked in front of the house of one
Manoj Bind. On search total 120.75 liters Indian Made Foreign
Liquor and a bag containing some documents disclosing the
name of co-accused Suraj Kumar were recovered. On the tip of
the materials disclosed, co-accused Suraj Kumar was
apprehended, he disclosed the name of the petitioner as owner



of the illicit wine.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the Mahindra Xylo vehicle nor with the alleged recovered illicit wine. He further submits that only because of one past criminal antecedent his name has been implicated in this case and save and except the confessional statement of co-accused Suraj Kumar, there is no other material suggesting the complicity of the petitioner moreover, the confession made before the police is not admissible and hit by Section 25 / 26 of the Indian Evidence Act. He next submits that even during the course of investigation nothing has been recovered from the whereabouts of the petitioner that apart there is further infirmities in the search and seizure.

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

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from Mahindra Xylo car to which the petitioner has no concern, let the petitioner be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of



receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Judge, Court No. 02, Gaya in connection with Mahkar P.S. Case No. 95 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

saaurabhkr/-

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

