

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72173 of 2022

Arising Out of PS. Case No.-164 Year-2022 Thana- WAJIRGANJ District- Gaya

RAHUL KUMAR S/o Jitendra Singh R/o Village- Bichcha, P.S.- Wazirganj,
Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Wazirganj P.S. Case No. 164 of 2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 189 liters of illicit liquor from an open field and one co-accused person, namely, Rishikesh Kumar, was apprehended by the police, who, on interrogation, disclosed the name of his accomplices including that of the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 15.10.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has further submitted that neither the petitioner has been apprehended from the spot nor any illicit liquor has been recovered from his conscious possession nor the place from where the illicit liquor has been recovered belongs to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither the petitioner has been arrested



from the spot nor the illicit liquor has been recovered from the conscious possession of the petitioner nor the place from where the same has been recovered belongs to the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Wazirganj P.S. Case No. 164 of 2022.

(Mohit Kumar Shah, J)

Ajay/-

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

