

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77899 of 2023

Arising Out of PS. Case No.-485 Year-2023 Thana- Excise P.S. District- Vaishali

Rajan Kumar Son of Late Lakhindra Choudhary Resident of Village-
Ratanpur Ward No. 11, PS- Bhagwanpur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Hajipur
Excise P.S. Case No. 485 of 2023 instituted for the offences
under Sections 30(a), 32(i), 32(3), 41(1), 41(2) of the Bihar
Prohibition & Excise Amendment Act, 2018.

3. As per prosecution case, altogether 150 litres of
illicit country made liquor was recovered from the E-Rickshaw
and four persons were arrested on spot including the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Nothing incriminating has been recovered from the
conscious possession of the petitioner. The petitioner is neither
the owner nor the driver of the said E-Rickshaw and he has no



concern with the seized article. He further submits that Section 100 of the Cr.P.C. has not been complied. The petitioner has got no criminal antecedent.

5. Learned counsel for the petitioner further submits that three co-accused persons, namely, Niraj Kumar, Mithun Kumar and Ram Prasad Ray have been granted bail by a Co-ordinate Bench of this Court vide orders dated 05.10.2023, 18.10.2023 and 12.09.2023 passed in Cr. Misc. Nos. 62741, 66002 of 2023 and 61366 of 2023 respectively.

6. The petitioner is in custody since 05.08.2023.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Considering the entire facts and circumstances of the case as also taking into account the period of custody, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Hajipur Excise P.S. Case No. 485 of 2023.

(Rudra Prakash Mishra, J)

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