

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80640 of 2023**

Arising Out of PS. Case No.-437 Year-2023 Thana- VAISHALI District- Vaishali

RAKESH KUMAR SINGH @ RAKESH KUMAR S/o Late Chandeshwar  
Singh R/o village- Mathma, P.S.- Kathaiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hemant Kumar  
For the Opposite Party/s : Mr.Md. Fahimuddin

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      14-12-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under sections 420, 467, 468, 471 and 120(B) of the Indian Penal Code and Sections 30(a) , 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, the petitioner was apprehended on the spot and from a Truck bearing Reg. No., WB-41C-9217 total 1192.32 liters of English wine was recovered.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He is the driver of the alleged truck due



to which he has been falsely implicated in this case. He has no knowledge that liquor kept in the said truck. He has no any concern with the alleged recovery of liquor nor vehicle in question belongs to him. No any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. Petitioner has got no criminal antecedent and languishing in judicial custody since 06.10.2023.

5. Learned APP appearing for the State has opposed the prayer of Bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Prohibition and Excise Court (second)-cum-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No.437 of 2023.

**(Sunil Kumar Panwar, J)**

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