

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82290 of 2023

Arising Out of PS. Case No.-330 Year-2021 Thana- SIMRI District- Darbhanga

Rakesh Vishwakarma Son Of Dipak Bishwakarma Resident Of Village -
Jorabari @ Jogibari, P.S. - Gohpur, District - Sonitpur, State - Assam (But In
Fir Address Has Stated As Resident Of Village - Tani Ita Nagar, Pampam
Pare, Arunachal Pradesh)

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rupa Kumari
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 420, 467, 468, 471, 120B of the Indian Penal Code and Sections 30(a), 32(2)(3), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per FIR, prosecution case relates to recovery of 2610.72 liter foreign wine from a truck and co-accused persons were apprehended on the spot and they confessed that the petitioner caught from the place of recovery.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case merely on the basis of confessional statement of co-



accused. The petitioner has no concern with the alleged recovery and he was also not apprehended from the place of recovery. No any incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that Section 100 of the Cr.P.C. has not been followed while preparing the seizure list. The petitioner is languishing in judicial custody since 28.08.2023.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as judicial custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Simri P.S. Case No. 330 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II, Excise Act Darbhanga.

(Sunil Kumar Panwar, J)

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