

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82746 of 2023

Arising Out of PS. Case No.-14 Year-2022 Thana- JALALGARH District- Purnia

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Rakesh Viswakarma @ Rakesh Bishwakarma @ Rakesh Biswakrma Son Of
Dipak Viswakarma @ Dipak Bishwakarma Resident Of Village- Tani Itanagar
Pampare, Jhugguari, Jorabari, P.S.- Mohpur, District- Sonipur
(BISHWANATH), Assam (BUT In F.I.R. State As Has Wrongly Given As
Arunachal Pradesh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rupa Kumari
For the Opposite Party/s : Mr.Brajendra Nath Pandey

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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.

The petitioner has prayed for bail in a case
registered for the offence punishable under sections 272,
273/34 of the Indian Penal Code and Sections 30(a),
41, 47 of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of
14,755.78 litres of IMFL from a Truck bearing Reg. No.
PB-19M-6234. Driver and cleaner were apprehended on
spot.



Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Moreover, petitioner is languishing in judicial custody since 12.07.2023. Similarly situated several co-accused persons have been granted bail by co-ordinate Bench of this Court.

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

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 Judge (Excise 1), Purnia in connection with Jalalgarh P.S. Case No. 14 of 2022.

(Sunil Kumar Panwar, J)

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