

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10064 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- RAJAPAKAR District- Vaishali

Sukhreet Rai @ Sukharit Ray Son of Ram Kishore Ray @ Ram Kishor Ray
R/O-Bardiha Turki, P.S.-Patepur, Distt.-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

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

ORAL ORDER

2 21-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Rajapakar P.S. Case No. 266 of 2023 instituted for the

offences under Section 30(a) of the Bihar Prohibition and

Excise Act (Amended), 2022.

3. As per prosecution case, the police has recovered

total 350 liters of country made liquor from the Tempo

bearing Registration No. BR31P-3275.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

the present case due to highhandedness of the police. He



further submits that the petitioner is not named in the F.I.R. rather his name has surfaced in this case during investigation as owner of the Tempo. He further submits that the petitioner had already sold the Tempo to one Yashwant Kumar on 04.03.2022 and, hence, he is not the owner of the Tempo. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor or the Tempo. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 14.12.2023.

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

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the petitioner having no criminal antecedent, 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
Rajapakar P.S. Case No. 266 of 2023 .

(Rudra Prakash Mishra, J)

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