

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9170 of 2024

Arising Out of PS. Case No.-1950 Year-2023 Thana- Excise P.S. District- Gaya

Rajesh Kumar @ Rajesh Kumar Vishwakarma S/O- Rajendra Mistry @
Rajendra Vishwakarma R/O- Village- Karay Parshurai, P.S.- Karay Parsurai,
Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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

ORAL ORDER

2 19-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 1950 of 2023 instituted for the offences under
Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that total 189 litres of
foreign liquor was recovered from a pickup van.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is not the owner of the vehicle from which the
alleged recovery has been made. Petitioner is only the driver of



the vehicle and has no concern with the alleged recovery. It has been submitted on behalf of the petitioner that the petitioner is in custody since 07.11.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case, no criminal antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Excise P.S. Case No. 1950 of 2023.

(Rudra Prakash Mishra, J)

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