

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12510 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- PHULWARIYA District- Gopalganj

Rakesh Kumar Gond Son of Durgeh Gond Resident of Village Tiwary
Chakiya P.S.- Bhore District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer Jha, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

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

ORAL ORDER

2 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Phulwariya (Sripur) P.S.
Case No. 448 of 2023, instituted for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 94.200 liters
liquor was recovered from one motorcycle and one E-Rickshaw
out of which 45 liters liquor has been recovered from
motorcycle. The petitioner was arrested on spot.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. No
incriminating material has been recovered from the conscious
possession of the petitioner. The petitioner has got no concern



with the alleged recovery of liquor. Petitioner is the owner and driver of the seized motorcycle and he has no knowledge regarding the goods kept in the vehicle. The petitioner is in custody since 04.12.2023 and has got no criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Phulwariya (Sripur) P.S. Case No. 448 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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