

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14572 of 2024

Arising Out of PS. Case No.-220 Year-2023 Thana- BARHIYA District- Lakhisarai

Sewak Ram S/o- Sri Batohi Ram @ Batohi Ram Village- Indupur Ps-
Barahiya Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv.

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barahiya P.S. Case No. 220 of 2023 instituted for the offences under Sections 30(a), 32, 41 of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, the police has recovered 16.5 liter illegal I.M.F.L. from the Piaggio Tempo bearing Reg. No. BR09PA-4415.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The name of the petitioner has surfaced in this case on the basis of confessional statement of the apprehended co-accused Rohit Kumar before the police which has no evidentiary value in the eye of law. The petitioner has no concern with the seized liquor or the seized vehicle. The petitioner has two criminal antecedents 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 23.12.2023.

5. Learned counsel for the petitioner again submits that the similarly situated co-accused Rajiv @ Chhotu Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.01.2024 passed in Cr. Misc. No. 85583 of 2023.

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

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the prayer for bail based on parity, 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 Barahiya P.S. Case No. 220 of 2023.

(Rudra Prakash Mishra, J)

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