

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18168 of 2024

Arising Out of PS. Case No.-794 Year-2023 Thana- MALSALAMI District- Patna

Rishu Kumar @ Chhotu Kumar Son Of Sanjay Thakur Resident Of Village
And P.O. - Bindaul, P.S. - Bihta, Chowk Baksi Maidan, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rana Baljit Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

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

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Malsalami P.S. Case
No. 794 of 2023, instituted for the offences punishable under
Sections 30(a) and 37 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 160 liters
liquor was recovered from drain behind public toilet and the
petitioner was apprehended 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. It is further submitted that



the alleged recovery has been made from an open place which is accessible to everyone. The petitioner is in custody since 02.12.2023 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 Malsalami P.S. Case No. 794 of 2023.

(Rudra Prakash Mishra, J)

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