

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25321 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- BAIKUNTHPUR District- Gopalganj

Rahul Kumar @ Rahul Ray Son Of Jhamendra Rai @ Zamindra Ray Village
-Pakaha (Bamu) PS -Baikunthpur District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

ORAL ORDER

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

2. The petitioner seeks bail in Baikunthpur P.S. Case No. 33 of 2024, instituted for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 985 liters spirit was recovered from one pick-up vehicle and two motorcycles. The petitioner was apprehended on spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and 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 spirit. It is further



submitted that the petitioner is not the owner of any of the seized vehicles in question. The petitioner is in custody since 04.02.2024 and has got one 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 Baikunthpur P.S. Case No. 33 of 2024.

(Rudra Prakash Mishra, J)

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