

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27833 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- BYPASS District- Patna

Rishav Kumar @ Rishu Son Of Late Deepak Prasad Vill-Kazibagh, Old
Pranami Mandir, Chaili Taand, Ward No-58, P. S.-Alamganj, Dist-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Bypass P.S. Case No.
112 of 2024, instituted for the offences punishable under
Sections 414, 34, 120(B) of the Indian Penal Code, Sections
30(a) and 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 812.16 liters
liquor was recovered from truck and car out of which 34.56
liters liquor was recovered from the car of the petitioner. 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 liquor. It is further submitted that the petitioner is neither owner nor driver of any of the vehicles. The petitioner is a labour who was passing through the place of occurrence. The petitioner is in custody since 20.03.2024 and has got three criminal antecedents in which the petitioner is on bail. 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 Bypass P.S. Case No. 112 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) Further condition is that, petitioner shall not commit such type of offence during the course of the trial.

(Rudra Prakash Mishra, J)

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