

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34465 of 2024

Arising Out of PS. Case No.-111 Year-2023 Thana- ANGARGHAT District- Samastipur

Rakesh Kumar @ Rakesh Kr. Ray son of Ram Vilas Ray Village- Supaul
W.No-3, Ps- Angharghat Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

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

ORAL ORDER

2 02-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Angharghat P.S. Case No. 111 of 2023, instituted for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 261 liters liquor was recovered from under construction house of Ram Vilash Ray.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this 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 submitted that the alleged place of recovery does not belong to the petitioner and name of the petitioner has transpired on the basis of confessional statement made by co-accused Ravi Shankar. The petitioner is in custody since 07.04.2024 and has got no criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Misc. No. 13741 of 2024. 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 Angharghat P.S. Case No. 111 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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