

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41262 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- JAYNAGAR District- Madhubani

RAKESH KUMAR SINGH SON OF BINDESHWAR SINGH RESIDENT
OF VILLAGE - SELRA, P.S. - JAINAGAR, DISTRICT - MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kr. Yadav, Advocate
For the Opposite Party/s :	:	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Jainagar P.S. Case No. 117 of 2024 registered for the

offences under Sections 272, 273 and 414/34 of the IPC,

Section 30 (a) of the Bihar Prohibition and Excise Act and

Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The petitioner is named in the F.I.R. and is in

custody since 12.04.2024.

4. The allegation against the petitioner is to be

engage in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 12.375 litres of IMFL/country



made liquor and also found in possession of countrymade pistol with one live cartridge.

5. Learned counsel appearing on behalf of the petitioner submitted that the fact of this case upon facial perusal suggests, *prima facie*, that recovery of illicit liquor was made from the motorcycle. It is submitted that motorcycle used for carrying consignment of illicit liquor is not connected in any manner with petitioner. It is further submitted that recovery of illicit liquor and countrymade pistol were not made from conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as



mentioned above as recovery of illicit liquor and firearm not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, coupled with the fact as petitioner is in custody since 12.04.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Jainagar P.S. Case No. 117 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) BNSS.

(Chandra Shekhar Jha, J.)

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