

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48518 of 2024

Arising Out of PS. Case No.-814 Year-2023 Thana- MAHUA District- Vaishali

Rahul Kumar Singh @ Rahul Kumar @ Rahul Singh S/o Ratnesh Kumar
Singh @ Ratnesh Singh Resident of Village Madhopur Nizma, P.S. - Mahua,
Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Mahua P.S. Case No.
814 of 2023, instituted for the offences punishable under
Sections 414, 420/34 of the Indian Penal Code, Sections 30(a),
32(ii), 34(ii) and 41(i) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 2410.560
liters liquor was recovered from truck and two pick-up vehicles.

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. Learned counsel



for the petitioner also submits that the petitioner is not named in the F.I.R. and his name has transpired on the basis of confessional statement of co-accused persons which has no evidentiary value. The petitioner is neither owner nor driver of any of the vehicles in question. The petitioner is in custody since 11.06.2024 and has got twenty criminal antecedents. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by this Court vide order dated 19.02.2024 passed in Cr. Misc. No. 9055 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 *after framing of charge, if not already framed* 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 Mahua P.S. Case No. 814 of 2023, 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.

(Rudra Prakash Mishra, J)

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