

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54760 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- HISUWA District- Nawada

Rakesh Chaudhary @ Raka S/O Late Anil Chaudhary Resident of Village-
Jota, P.S. -Atri, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Hisua P.S. Case No. 126 of 2024, registered on 28.02.2024 for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received information about petitioner storing and selling illicit liquor in bushes near a river. A raid was conducted and one person fled away from the spot who was identified by the Mahal Chaukidar as the petitioner. From the search of the place, 475 litres of country made Chulai liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. Nothing incriminating has been recovered from the person or possession of this petitioner. The recovery has been made from the bank of river and it is open place accessible to all. The petitioner has been named by the Mahla Chaukidar due to previous enmity. Learned counsel further submits that with similar allegation and on the alleged identification by the same Mahal Chaukidar Hisua P.S. Case No. 162 of 2024 has also been lodged against the petitioner.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and further considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. I, Nawada/concerned court in connection with Hisua P.S. Case No. 126 of 2024, subject to the condition as laid down under Section 438(2) of the Code of



Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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