

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55353 of 2024

Arising Out of PS. Case No.-326 Year-2022 Thana- RAFIGANJ District- Aurangabad

Rakesh Kumar, S/o Upendara Yadav @ Gaya Yadav R/O Village- Thawai,
P.S- Rafiganj, Distt.- Aurangabad.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is not named in F.I.R. and apprehending his arrest in connection with Rafiganj P.S. Case No. 326 of 2022, G.R. No. 902 of 2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.
3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery 65 litres of IMFL/country made



liquor from the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case on the basis of disclosure as made by co-accused, namely, Rakesh Kumar, who apprehended on the spot. It is submitted that admittedly, no illicit liquor was recovered from the conscious physical possession of this petitioner. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his



arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge of Excise-I, Aurangabad/concerned Court, where the case is pending in connection with Rafiganj P.S. Case No. 326 of 2022, G.R. No. 902 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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