

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63333 of 2024

Arising Out of PS. Case No.-397 Year-2021 Thana- DARIYAPUR District- Saran

Rahul Ram @ Rahul Kumar, Son of Harendra Ram, Resident of Village-
Baneya, P.S.-Derni, District-Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Dariyapur P.S. Case No. 397 of 2021 for the offence under Sections 120(B), 467, 468, 469, 471 of the Indian Penal Code and Sections 30/30(a)/38/41 of the Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 2590 liters of spirit was made from a truck and a scooty. The name of the petitioner and other co-accused persons transpired as the persons who have been unloading the spirit from the truck.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired on saying of local



chaukidar and villagers. The petitioner has nothing to do with the seized sprit or the vehicle. Nothing incriminating has been recovered from the conscious possession of this petitioner, who is having clean antecedent. From the facts of the case, no offence under the provisions of Excise Act has been made out against the petitioner.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the doubtful nature of accusation against the petitioner and also considering the possibility of false implication and clean antecedent of the petitioner, 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 1st Exclusive Special Excise Court, Saran at Chapra, in connection with Dariyapur P.S. Case No. 397 of 2021, subject to the condition 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 below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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