

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67420 of 2024

Arising Out of PS. Case No.-304 Year-2024 Thana- RAJNAGAR District- Madhubani

Rupesh Kumar Son of Surya Narayan Yadav @ Narayan Kumar, R/o Village-
Donbari, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mayashankar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2024 Heard Mr. Mayashankar Mishra, the learned
counsel for the petitioner and Mr. Shyam Kumar Singh, the
learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
10.08.2024, in connection with Rajnagar P.S. Case No. 304 of
2024, FIR dated 10.08.2024, registered for the offences
punishable under Sections 274, 275 and 3(5) of the Bharatiya
Nyaya Sanhita-2023 (BNS) and under Section 30(a), 41 and 47
of the Bihar Prohibition and Excise Act.

3. According to the prosecution case, after receiving
confidential information that co-accused Pranav Kumar and his
associates are coming towards Rajnagar-Ranti by Swift Dzire
vehicle, which is a liner to the red coloured Hyundai loaded
with illicit liquor, the informant along with police personnel
reached at the alleged place and after some struggle, four



persons who were earlier sitting in Swift Dzire vehicle were apprehended by the police. It is further alleged that later the police also seized the Hyundai Magna vehicle which was found loaded with 270 litres of Nepali soft country made liquor.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from perusal of the FIR, it appears that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from Hyundai Magna car and altogether 270 litres of Nepali liquor has been recovered from the car in question and the petitioner and other co-accused persons have been apprehended merely on the basis of suspicion. He further submits that it is an admitted fact that petitioner was traveling in the Swift Dzire vehicle and nothing has been recovered from the said vehicle. He lastly submits that petitioner is in custody since 10.08.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.



6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from Hyundai Magna car, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani, in connection with **Rajnagar P.S. Case No. 304 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and



in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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