

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75147 of 2023

Arising Out of PS. Case No.-446 Year-2023 Thana- BARH District- Patna

Rakesh Kumar @ Rakesh Ray Son Of Birju Ray R/O Village- Pachiyari
Malahi, P.S.- Barh, Dist.- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in anticipation of his arrest
in a case registered for the offences punishable under Section
30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
petitioner has antecedent of three cases and the allegation is of
recovery of 135 litres of liquor from a maize field and certain
articles from the house of the petitioner. It is next submitted that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted
that the house from which the alleged articles were recovered
does not belong to the petitioner nor petitioner is owner of the
maize field. He came to be implicated at the instance of villager,



but then the FIR does not disclose the name of villager who disclose the name of the petitioner which cast an aspersion on the case of the prosecution.

4. Learned A.P.P. opposes the bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise Act, Barh, Patna in connection with Barh P.S. Case No. 446 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

6. The application stands allowed.

(Satyavrat Verma, J)

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