

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77884 of 2024

Arising Out of PS. Case No.-263 Year-2024 Thana- RAJPUR District- Buxar

Shivanshu Rai Son Kripashankar Rai R/O Vill- Tiyara, P.S.- Rajpur, District-
Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr.Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Rajpur
P.S. Case No. 263 of 2024 instituted for the offences under
Sections 221, 223, 126(2), 115(2), 132, 121(1), 121(2), 109,
3(5) of the B.N.S., 2023 and Section 27 of the Arms Act and
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per prosecution case, the police has recovered
total 25.74 liter illicit foreign liquor from the motorcycle
bearing Regd. No. BR44T4039. The police has also recovered
24.045 illicit liquor from another motorcycle bearing Regd. No.
BR44T1202.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the seized motorcycle. The petitioner had no knowledge about the seized liquor being kept in the alleged motorcycle. The petitioner has no concern with the recovered liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 25.08.2024 without any rhyme or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Vivek Chauhan has been granted bail by this Court vide order dated 12.11.2024 passed in Cr. Misc. No. 79005 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Rajpur P.S. Case
No. 263 of 2024.

(Rudra Prakash Mishra, J)

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