

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77991 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- KATEYA District- Gopalganj

Rohit Kumar S/o-Upendra Yadav R/o- A109, Endra Kalyan Bihar Okhla Fes
Ps- Okhla Dist- South Delhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Dimpal Kumari, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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

ORAL ORDER

2 29-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with

Kateya P.S. Case No. 359 of 2024 instituted for the

offences under Sections 317(5) BNS, 2023 and Section

30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, the police has recovered

total 204.330 litres of illicit foreign liquor from a Swift Car

bearing Regd. No. DL13CA3583.

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. The petitioner was arrested on spot. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner is alleged to be the driver of the alleged vehicle and had no knowledge of the illicit liquor being kept in the dickey of the car. He was just complying the order of the owner. The petitioner has no concern with the seized liquor or the alleged car. 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 no criminal antecedent and is languishing in judicial custody since 17.09.2024 without any rhymes or reason.

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

6. 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 and the petitioner having no criminal antecedent,
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 Kateya
P.S. Case No. 359 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

