

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79441 of 2024

Arising Out of PS. Case No.-390 Year-2024 Thana- Excise P.S. District- Banka

Rahul Kumar Son of Birendra Prasad Yadav @ Birendra Yadav Resident of
Village- Baijnathpur Ward No-07, Police Station - Saurbazar (Baiznathpur),
District - Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv

For the Opposite Party/s : Mr. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 13-11-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Banka Excise P.S. Case
No. 390 of 2024 dated 12.09.2024 registered for the offence/s
punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 116.925 litres of
illicit foreign liquor was recovered from the car.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. The petitioner has no concern with the alleged
recovery. The petitioner is not the owner of the said seized
vehicle but the same was being driven by him at the time of the



alleged recovery. Nothing has been recovered from the conscious possession of the petitioner. Similar situated co-accused persons have already been granted bail by this Court vide order dated 07.10.2024 passed in Cr. Misc. No. 72735 of 2024. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 11.09.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Banka in connection with Banka Excise P.S. Case No. 390 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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