

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85082 of 2024**

Arising Out of PS. Case No.-138 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

Rishimuni Kushwaha @ Rishimuni Prasad @ Rishimunni Kushwaha Son of  
Parmanand Kushwaha R/o Village Dauda Bishunpur, PS- Kuchaikote , Distt.-  
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

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

ORAL ORDER

2      16-12-2024      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with  
Vishambharpur PS Case No. 138 of 2024 instituted for the  
offences under Section 30(a) of the Bihar Prohibition and Excise  
Act.

3.      The prosecution case, in short, is that 102 liters  
country made liquor was recovered from bushes. Petitioner was  
arrested on the spot.

4.      Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 22-09-2024 and has got two criminal antecedents. There is no compliance of Section 100 of Cr.P.C.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Vishambharpur PS Case No. 138 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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