

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84836 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Rakesh Kumar S/o Nagendra Ram R/o vill - Jasoli, Ojha Tola, @ Jasauli Ojha
Tola, P.S. - Kathaiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

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

ORAL ORDER

2 09-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sahebganj P.S. (Rajepur O.P.) Case No. 97 of 2024 instituted
for the offences under Sections 272/273/34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2022.

3. As per prosecution case, the police has recovered
total 3615.00 liters of illicit foreign liquor from different
vehicles.

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



merely on the basis of suspicion. The petitioner has no concern with the seized vehicle. e further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither owner nor driver of the alleged vehicles and is not involved in any manner with the illegal trade of liquor. The petitioner has no concern with the alleged occurrence. Learned counsel for the petitioner further submits that the petitioner has been dragged in this case on the basis of the confessional statement of the co-accused persons namely Aniket Kumar and Raushan Kumar. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 09.10.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Bittu Kumar has been granted bail by this Court vide order dated 21.06.2024 passed in Cr. Misc. No. 39781 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 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 Sahebganj P.S. (Rajepur O.P.) Case No. 97 of 2024.

(Rudra Prakash Mishra, J)

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