

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85729 of 2024

Arising Out of PS. Case No.-858 Year-2024 Thana- Excise P.S. District- Kaimur (Bhabua)

Rajkumar Pathak S/o- Late Ram Akbal Pathak Village- Madhepur Mahdevpur
P.s. Suryawa District- Bhadohi, U.P, R/o- Sunderpur Ps-Lanka Dist-Varanasi
U.P

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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

ORAL ORDER

2 17-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with P.R.
No. 858 of 2024 arising out of Excise PS (Bhabua) Case No.
858 of 2024 instituted for the offences under Sections 30(a),
32(i),(iii), 41(i) and (ii) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 597.240
litres of foreign liquor was recovered from Magic Pick-up.

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 petitioner is the driver of the vehicle and he has no



knowledge regarding the nature of goods booked by the transporter. The petitioner is in custody since 07.11.2024 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S.

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, clean antecedent of the petitioner 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) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with P.R. No. 858 of 2024 arising out of Excise PS (Bhabhua) Case No. 858 of 2024.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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