

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1193 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- KUTUMBA District- Aurangabad

Rahul Chauhan, aged about 25 years, male, son of Chalitra Chauhan, resident of Village Ratahnuwa @ Ratnua, P.S. Kutumba, Dist. Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kutumba P.S. Case No. 191 of 2024 (general registration no. 654 of 2024) instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 150 liters of illicit country made liquor from two motorcycles. It is alleged that 100 liters of country-made liquor has been recovered from the petitioner's motorcycle. The petitioner was arrested on the spot.

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 is the owner of the alleged Hero Splendor motorcycle. 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 has no concern with the seized liquor. Charge-sheet has been filed in this case. 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 one criminal antecedent and is languishing in judicial custody since 22.11.2024 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, 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 Kutumba P.S. Case No. 191 of 2024 (general registration no. 654 of 2024).

(Rudra Prakash Mishra, J)

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