

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2555 of 2025**

Arising Out of PS. Case No.-564 Year-2023 Thana- MADANPUR District- Aurangabad

Rakesh Kumar Singh @ Rakesh Singh S/o- Krishna Singh @ Krishna Kumar
Singh Village- Ishapur PS-Madanpur District-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 09-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with Madanpur P.S Case No. 564/2023 registered for the offences punishable under Sections 30(a), 34, 36 of Bihar Prohibition and Excise Act.

3. As per allegation in the FIR, upon secret information that co-accused Nitish Kumar had kept spirit near his house, when his house was raided, two persons were fleeing away and with the help of villagers, one person was identified as the petitioner. On search of the house of co-accused Nitish Kumar, 455 liters of spirit and three liters of English Liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He next submits that the place where alleged recovery has been made does not belong



to the petitioner rather it belongs to co-accused Niitish Kumar, Learned Counsel further submits that nothing has been recovered from the possession of the petitioner and petitioner has been made accused on the basis of suspicion. He further submits that petitioner is in custody since 23.11.2024 and possesses seven antecedent.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order dated 19.12.2024, it appears that petitioner has not arrested from spot and moreover, the alleged recovery was made outside the house of the petitioner and considering all aspects of the matter and submissions made on behalf of the learned counsel for the petitioner, let the above named 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 learned Principle District and Sessions Judge-cum-Special Judge, Excise Court No. 1 Aurangabad in connection with Madanpur P.S Case No. 564/2023

(Ramesh Chand Malviya, J)

Sunnykr/-

U			
---	--	--	--

