

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26680 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- FULKAHA District- Araria

Rupesh Kumar S/o Sri Muter Yadav Resident of village - Simarbani, ward no. 4, P.s.- Bhargama, Distt.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 29-04-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Fulkaha P.S. Case No. 167 of 2023 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Earlier, vide order dated 31.01.2025 passed in Cr. Misc. No. 2962 of 2025, the prayer for grant of anticipatory bail to the petitioner was rejected.

4. The prosecution case, in short, is that total 149.055 litres of liquor was recovered from six motorcycles out of which 31.5 litres of liquor has been recovered from the motorcycle of



the petitioner.

5. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that the name of the petitioner has transpired in this case merely because he happens to be the owner of one of the six motorcycles and he had no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 18.02.2025 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

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

8. 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 Fulkaha P.S. Case



No. 167 of 2023.

(Rudra Prakash Mishra, J)

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