

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87579 of 2024

Arising Out of PS. Case No.-475 Year-2022 Thana- BUDDHACOLONY District- Patna

Rinku Kumar @ Rinku Mahto S/O Late Diwali Mahto Resident of A/P- Loha Singh Ke Makan Me Kirayadar, P.S- Kadamkuan, Dist- Patna. P/A- Rasulpur, P.S- Punpun, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 07-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Special Case No. 6170 of 2022 arising out of Budha Colony P.S. Case No. 475 of 2022 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered total 48 liters of illicit country made liquor from beside of *Khatal*.

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 due to highhandedness of police and at the instance of local enemy. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was not apprehended on spot and his name has transpired in this case on the basis of the secret information and the disclosures made by the local people. The place of occurrence does not belong to the petitioner. The petitioner has never indulged in purchase, sale, transporting or manufacturing of the illicit liquor. 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 two criminal antecedents of similar nature of offences and is languishing in judicial custody since 27.09.2024 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 Special Case No. 6170 of 2022 arising out of Budha Colony P.S. Case No. 475 of 2022.

(Rudra Prakash Mishra, J)

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