

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1970 of 2025

Arising Out of PS. Case No.-643 Year-2023 Thana- DARIYAPUR District- Saran

Rakesh Kumar S/O Prabhu Manjhi Resident of Village – Yadopur, Mastichak,
P.S- Dariyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dariyapur P.S. Case No. 643/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, 3543.480 liter foreign
liquor from the DCM truck in question and 54 liter foreign
liquor was also recovered from the Pick-up van in question.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. The
petitioner is not named in the FIR and the name of the petitioner
transpired in this case on the basis of one mobile which was



recovered from the Pick-up van in question and the same belongs to the petitioner. The petitioner is languishing in custody since 22.10.2024 and bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. The petitioner's father is the owner of the said Pick-up van in question. He further submits that the petitioner has lost his mobile at some place and he has not lodged *sanha* regarding the same and his mobile has been recovered from the Pick-up van in question. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. In the light of aforesaid facts and circumstances of the case, no offence is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Dariyapur P.S. Case No. 643/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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