

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90154 of 2024

Arising Out of PS. Case No.-530 Year-2024 Thana- SHERGHATI District- Gaya

Rakesh Kumar Son of Feku Ram R/O-Village- Nawadih, PS- Sadar, District
-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyaveer Jha, Advocate
For the Opposite Party/s : Mr. N. N. Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard Mr. Satyaveer Jha, learned counsel for the
petitioner and Mr. N. N. Tiwary learned APP for the State.

2. The petitioner seeks bail in connection with
Sherghati P.S. Case No. 530 of 2024, instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 83.625 liters
liquor was recovered from e-rickshaw and the petitioner was
apprehended on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submits that the petitioner is not the owner of the e-rickshaw in question, rather, the petitioner was driver of the said vehicle and he had no knowledge regarding the goods being loaded in the vehicle. The petitioner is in custody since 21.10.2024 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

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

7. Let the petitioner 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 Court below/concerned Court in connection with Sherghati P.S. Case No. 530 of 2024.

(Rudra Prakash Mishra, J)

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