

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1397 of 2025

Arising Out of PS. Case No.-443 Year-2022 Thana- PARBATTa District- Khagaria

Rahul Kumar, S/o Upendra Chaudhary, Resident of Village-Devari, Ward No. 3, P.S- Parbatta (Maraiya), District-Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Parbatta (Marraiya) P.S. Case No.443 of 2022 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 10 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel that the name of this petitioner transpired in the present case on the basis of disclosure made by co-accused Upendra Chaudhary, who is none but the father of this petitioner. It is pointed out that



after investigation, the police did not sent up this petitioner for facing trial, whereas the learned Jurisdictional Magistrate without having any connecting material took cognizance against this petitioner without assigning any reason. It is submitted that apparently recovery of alleged illicit liquor not appears to be made from the physical possession of this petitioner, who is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid facts and circumstances and by taking note of fact as the recovery of alleged illicit liquor *prima facie* not appears to be made form physical possession of this petitioner, who is a man of clean antecedent, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-2nd, Khagaria in connection with Parbatta (Marraiya) P.S. Case No.443 of 2022, subject to the conditions as laid down under Section 438(2) of the



CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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