

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74286 of 2018

Arising Out of PS. Case No.-204 Year-2018 Thana- MITHANPURA District- Muzaffarpur

Rakesh Kumar Singh, Son of Nand Kishore Singh, Resident of Mohalla/Village-Kanhaul Sarwati Vihar Colony, P.S.- Mithanpura, District-Muzaffarpur, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh

For the Opposite Party/s : Mrs. Pronati Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 290/34 of the IPC and Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

The prosecution case is that the Station House Officer, Mithanpura Police Station, while patrolling, received a secret information that a person is standing with illicit liquor at Hathi Chouk for sale, on the basis of which, one accused person was arrested, who disclosed his name as Ajay Kumar @ Seth, from whom, 12 bottles, each containing 180 M.L. of foreign liquor, were recovered. On further enquiry, the apprehended accused



also named three accused persons including the petitioner, who also used to sell illicit liquor.

It is submitted by learned counsel for the petitioner that no recovery has been made from the petitioner. This is also not the case of the informant that the petitioner was seen fleeing away from the scene, hence, no offence, under the Act is made out against the petitioner. It is further submitted that though a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, but a supplementary affidavit has been filed to the effect that the petitioner is involved in one other case of similar nature also, in which he is on bail.

Learned APP submits that the name of the petitioner sprang up on the confession of apprehended accused.

Considering the fact that no recovery has been made from the petitioner and the name of the petitioner transpired on the confession of apprehended accused, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in



connection with Mithanpura P.S. Case No. 204 of 2018, subject
to the condition as laid down under Section 438(2) of the Cr.
P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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