

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43810 of 2019

Arising Out of PS. Case No.-139 Year-2019 Thana- RAJAOLI District- Nawada

Mukesh Kumar @ Mukes Kumar, S/o Baleshwar Yadav Resident of Village-
Dibaur, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends his arrest in connection with
Rajauli P.S. Case No.139 of 2019 for the offence punishable
under Sections 30 (a) of Bihar Prohibition and Excise Act, 2016
and Section 414 of the Indian Penal Code.

The allegation against the petitioner is that the police
upon secret information arrived near the house of Rajnish
Kumar and arrested two persons including Rajnish Kumar and
Gautam Kumar. It has further been alleged that police upon
search, recovered 20 litres country-made liquor from one bolero
vehicle and further 80 litres liquor from cowshed of Rajnish
Kumar. It has further been alleged that the petitioner brought
wine through bolero vehicle and kept the same concealed in his



cowshed.

Learned counsel for the petitioner submits that petitioner is quite innocent and his name has been disclosed on the basis of statement made by arrested persons. He further submits that the petitioner's name has been disclosed by the arrested co-accused only due to the reason that there is land dispute between the petitioner and Rajnish Kumar. Learned counsel further submits that the illegal liquor was not recovered from the vehicle belonging to the petitioner or the premises owned by the petitioner.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the petitioner's name has been disclosed by the co-accused and further there is no recovery of illegal liquor from the premises / house or vehicle of the petitioner, accordingly, upon perusal of the First Information Report, no prima facie case under the Excise Act is made out against the petitioner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by the petitioner, he shall be



released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Nawada, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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