

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40335 of 2021**

Arising Out of PS. Case No.-354 Year-2021 Thana- LAKHISARAI District- Lakhisarai

RAKESH KUMAR @ RAKESH YADAV Son of Kamalu Yadav @ Kamlu
Jadav Resident of Village - Garhi, Bishanpur, P.S.- Lakhisarai, District -
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 21-10-2021

Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner is directed to remove
the defect(s), as pointed out by the office, within a period of eight
weeks.

The petitioner is apprehending his arrest in Lakhisarai P.S.
Case No. 354 of 2021 registered for the offence under Sections-
30(a) & 32(ii) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 40 liters wine is
recovered.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation of
tampering of witnesses alleged against the petitioner. The petitioner
has been falsely implicated in the present case. It is alleged that 40
liters wine is recovered from the motorcycle. The petitioner is not



owner of the said motorcycle. The name of the petitioner has transpired in this case on the basis of secret information. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in the present case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory 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 Sessions Judge-II-cum-Special Judge, Excise Act, Lakhisarai in connection with Lakhisarai P.S. Case No. 354 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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