

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40390 of 2020**

Arising Out of PS. Case No.-23 Year-2019 Thana- THAWE District- Gopalganj

Rakesh Kumar son of Mandev Yadav Resident of Village- Laxmipur, P.S.-  
Kubersthan, District- Kushinagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                  |
|--------------------|---|----------------------------------|
| For the Petitioner | : | Mr. Lokesh Kumar Singh, Advocate |
| For the State      | : | Mr. Jharkhandi Upadhyay, APP     |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      28-10-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner apprehends his arrest in connection with Thawe P.S. Case No.23 of 2019 for offences under Sections 30(a), 35 and 38 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, a pickup van having commercial registration was intercepted by the police and liquor was recovered from that pickup van. While the pickup van was stopped by the patrolling team, the driver of the pickup van fled away.

It is the submission of the learned counsel for the petitioner that he has got the licence of the pickup van for commercial purpose and because of the criminal activities of the



driver, he should not be penalized. The anticipatory bail application of the petitioner is maintainable in view of the judgment of the Full Bench of this Court in the case of *Ram Binay Yadav Vs. The State of Bihar* reported in [2019 (2) PLJR 1089 (Full Bench)] as no prima facie case is made out against the petitioner of having indulged in dealing in the liquor.

In the circumstances, prayer for anticipatory bail is allowed. Let petitioner, above-named, in the event of his arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10, 000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj in connection with Thawe P.S. Case No.23 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Sandeep Kumar, J)**

BT/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

