

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41067 of 2020

Arising Out of PS. Case No.-224 Year-2020 Thana- GOVINDGANJ District- East
Champaran

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RAKESH KUMAR DUBEY @ RAKESH DUBEY Son of Manshi Dubey
Resident of Village- Chatiya, P.S.- Malahi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.A.P.P

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-11-2021 Heard Sri Sanjay Kumar No.7, learned counsel for
the petitioner and Ms. Shaheen Begum, learned APP for the
State.

Petitioner seeks anticipatory bail in Govindganj
(Malahi) P.S. Case no. 224 of 2020 dated 28.6.2020 registered
for the offence punishable under sections 272, 273/34 of the
Indian Penal Code read with sections 30(A)(C)(D), 34, 36 of
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the FIR, it would manifest
that it has been alleged that place from where liquor was
recovered belonged to Arvind Dubey and this petitioner was
using said place for keeping fodder as has been informed by the



villagers. Learned counsel for the petitioner further submits that place from where alleged liquor has been recovered does not belong to the petitioner rather it belongs to Arvind Dubey and the petitioner has been falsely implicated in this case at the behest of the police.

Learned APP opposed the prayer for anticipatory bail.

Considering the facts that the place from where liquor was recovered does not belong to the petitioner as such nothing has been recovered from his possession, in the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 13th Addl. Sessions Judge-cum-Incharge Special Judge, Excise, East Champaran at Motihari in Govindganj (Malahi) P.S. Case no. 224 of 2020 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

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