

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4440 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- RIGA District- Sitamarhi

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Rakesh Kumar @ Rakesh Prasad Son of Rajnikant Prasad Resident of
Village- Bhutahi, Ward No.4, P.S.- Sonebarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 28-04-2022 Heard Mr. N.K. Agarwal, learned senior advocate for
the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in anticipation of his arrest in connection with Riga P.S. Case No. 258 of 2021 dated 21.07.2021 instituted for the offences under Sections 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The accusation against the petitioner is that in his godown, approximately 3000 liters of liquor was found kept.

The learned counsel for the petitioner has drawn the attention of this Court towards the fact that the godown in question was let out on rent. Two rent agreements have been brought on record, one which came in existence before the institution of the F.I.R. and the other after the registration of the



F.I.R. but, during the period when the godown premises were sealed.

Both the documents do not inspire confidence for this Court to believe that the petitioner was not in constructive possession of the liquor.

This Court is thus not persuaded to grant anticipatory bail to the petitioner notwithstanding the fact that he does not have criminal antecedents.

For the reasons aforesated, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders before the court below and seeks bail, that application shall be considered on its own merits without being prejudiced by the fact that the present application filed on his behalf has not been entertained by this Court.

(Ashutosh Kumar, J)

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