

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14389 of 2022

Arising Out of PS. Case No.-701 Year-2020 Thana- MAJHAULIA District- West Champaran

RAHUL KUMAR @ RAHUL YADAV S/o Late Amerika Yadav Resident of
Parsotipur, Purushottampur, P.S. Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 30(a), 32 and 41(1) of the
Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent.

Allegation is of recovery of 59.5 litres of liquor from the
hut of the petitioner apart from the house of other accused persons.

Learned counsel for the petitioner submits that petitioner
was not arrested from the spot, as such, nothing was recovered from
his conscious possession. It is next submitted that a case was
registered in November, 2020 and if what has been alleged is true
then the hut of the petitioner should have been sealed on the ground



of recovery of liquor. It is next submitted that from perusal of the seizure list, it would manifest that no family members of the petitioner have signed on the seizure list as witness rather the police personnel are witnesses over the seizure list which also points to the fact that no search and seizure of the house of the petitioner was made and he came to be falsely implicated as he was not willing to grease the palm of the police.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majhauriya P.S. Case No. 701 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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