

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14525 of 2022

Arising Out of PS. Case No.-427 Year-2021 Thana- SARAIYA District- Muzaffarpur

RAKESH YADAV @ RAKESH KUMAR Son of Ramsurat Ray Resident of
Village- Basuchak, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, 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 272, 273/34 of the Indian
Penal Code and Section 30(a) 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 3826.440 litres of liquor from
a truck.

Learned counsel for the petitioner submits that petitioner
was not apprehended from the spot, as such, nothing was recovered
from his conscious possession. He further submits that petitioner is
neither the owner nor the driver of the truck. He further submits that



the driver of the truck Mohar Singh was apprehended but he has also not disclosed the name of the petitioner but the police has falsely implicated the petitioner by alleging that his name was disclosed by the local people but the FIR does not even remotely suggest of the local people who were present at the place of occurrence when the alleged seizure was made. He also submits that co-accused Pappu Kumar has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 10.12.2021 passed in Cr. Misc. No. 66639 of 2021.

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 Saraiya P.S. Case No. 427 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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