

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40411 of 2022

Arising Out of PS. Case No.-349 Year-2022 Thana- BUXAR District- Buxar

Rakesh Kumar, Son Of Late Ratan Singh @ Late Ramladu Singh R/O
Muhalla - Koirapurwa, P.S.- Buxar (T), Dist.- Buxar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr. Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 60.180 litres of liquor from a car and 8.640 litres
of liquor from a motorcycle.

The learned counsel for the petitioner submits that the
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. The learned counsel
next submits that petitioner had given his motorcycle to his
relative Vikash Kumar and was completely unaware that the



same would be misused for such illegal purpose. It is next submitted that even Vikash Kumar was arrested by the police and the name of the petitioner transpired in the confessional statement of Vikash Kumar, which has no evidentiary value.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Buxar (T) P. S. Case No.349 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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