

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42434 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- BARAUNI District- Begusarai

RAHUL KUMAR Son of Ashish Paswan Resident of Village - Rajwara Ward
No. -02, P.S. - Barauni (Gadhara O.P.), District - Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sadanand Paswan

For the Opposite Party/s : Mr.Asha Devi

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Barauni (Garhara) O.P. P.S. case no. 235 of 2022 instituted
for the offence under Section 30(a) of the Bihar Prohibition of
Excise Act.

Prosecution case relates to recovery of 180 ml.
Premium whisky from pocket of Rishu Kumar and another 180
ml. Premium whisky from pocket of Sonu Kumar and they
disclosed the name of the petitioner, who managed to escape.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the apprehended co-accused Sonu Kumar before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the meagre quantity of recovery, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Barauni (Garhara O.P.) P.S. Case No. 235 of 2022, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, Begusarai subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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