

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54058 of 2021

Arising Out of PS. Case No.-110 Year-2021 Thana- JANDAHA District- Vaishali

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Rakesh Kumar S/O Shree Ram Naresh Singh @ Ram Naresh Singh R/O
Village-Arniya, P.S-Jandaha, District-Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh
For the Opposite Party/s : Mr.Braj Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 18-02-2022 Heard both the parties through video conferencing.

The petitioner seeks bail in anticipation of his arrest in connection with Jandaha P.S. Case No.110 of 2021 instituted for the offences under Sections 414 of the Indian Penal Code & Section 30(a)/38(1)/41(1) of Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that the liquor was found in a truck and four pick up van which managed to escape. It is submitted that nothing has been recovered from the conscious possession of the petitioner and he has been falsely implicated in this case. The liquor which has been seized cannot be connected with the petitioner and on the basis of some wrongful element, the petitioner has been named in the case.



The petitioner is not the owner of the vehicle.

Taking into consideration the over all aspect and merely there is an earlier case registered against the petitioner, it cannot be said that the offence under section 30(a) of the Excise Act is made out against the petitioner.

In view thereof, I am inclined to grant benefit of anticipatory bail to the petitioner and in the event of arrest, he shall be released on bail subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjeev Prakash Sharma, J)

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