

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47928 of 2022**

Arising Out of PS. Case No.-497 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAHUL KUMAR Son of Lalan Rai R/V- Mohammadpur Sura, P.s- Gaighat,
Dist- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey

For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 02-12-2022 Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered for the offence punishable under Section 272, 273/ 34 of the Indian Penal Code and under Section 30 (a) of the Bihar Prohibition & Excise Act. .

As per the prosecution case, 16.2 liters of foreign liquor has been recovered from husk house of this petitioner.

Learned counsel appearing for the petitioner submits that petitioner is innocent and has falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioner and he is no way concerned with the alleged recovery rather recovery has been made from husk house which is situated outside the house of petitioner. Petitioner has got clean antecedent.



Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Considering the facts of the case, nature of accusation and clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest/ surrender within a period of six weeks from today shall be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Excise Court-1, Muzaffarpur in connection with Gaighat PS case No. 497/ 2021, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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