

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57832 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

RAKESH KUMAR S/o Late Lalbabu Das R/V- Rampur, Jaypal, P.S.-
Bochahan, Distt- Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-11-2022 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 Bochahan P.S. Case no. 278 of 2022 instituted for the offence under Section 30 (a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 252.36 litres illicit liquor from the motorcycle and Bolero vehicle which was parked outside the door of co-accused Mukesh Kumar and 190.80 litres from his baramda.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has got no criminal antecedent. Petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence. It is further submitted that the seized vehicles does not belong to the petitioner. The name of the petitioner has been disclosed in this case on confessional



statement of co-accused person, who was apprehended on spot, which has no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession.

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

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, 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 Bochahan P.S. Case no. 278 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 Court no. 1, Muzaffarpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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