

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63535 of 2022**

Arising Out of PS. Case No.-5 Year-2022 Thana- SIMRA District- Aurangabad

RAHUL KUMAR Son of Suryadev Yadav Resident of Village - Sargawan  
(Maghigawan), P.S.- Deo, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Santosh Kumar Pandey  
For the Opposite Party/s : Mr.Umeshanand Pandit

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

2      16-12-2022                      Heard learned counsel for the petitioner and the State.

Petitioner apprehends his arrest in a case registered  
for the offence punishable under Section 30 (a) of the Bihar  
Prohibition & Excise Act.

As per the prosecution case, 54 liters of country made  
liquor has been recovered from the motor cycle 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. It is further submitted that  
motor cycle of the petitioner having registration No. BR26Q-  
8863 has been stolen on 02.03.2022 from Deo Hospital gate for



which FIR was registered on 03.03.2022 vide Deo PS case No. 40/ 2022 (annexure-2) and the present FIR is subsequent to Deo PS case No. 40/ 2022. 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 Judge, Excise Court-1, Aurangabad in connection with Simra PS case No. 05/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

**(Prabhat Kumar Singh, J)**

BKS/-

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