

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11831 of 2023

Arising Out of PS. Case No.-225 Year-2022 Thana- SAKURABAD District- Jehanabad

1. Rakesh Kumar @ Katua Son Of Mahesh Ram @ Mahesh Prasad Resident Of Vill.- Uchita, P.S.- Shakurabad, Dist.- Jehanabad, Bihar, 804425
2. Mahesh Ram @ Mahesh Prasad Son of Late Bajrangi Ram @ Bajrangi Prasad Resident of Vill.- Uchita, P.S.- Shakurabad, Dist.- Jehanabad, Bihar, 804425

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anmol Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-04-2023 Heard Mr. Anmol Kumar, learned counsel appearing on behalf of the petitioner and Mr. Tarkeshwar Nath Thakur, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Shakurabad P.S. Case No. 225 of 2022 registered under Section 30(a), 32(i)(ii), 41, 36 of the Bihar Prohibition and Excise Amendment Act 2022.

3. The prosecution, story, in brief, is that 63.42 litres foreign liquor has been recovered from the car bearing registration no. BR 1AL 8437.

4. Learned counsel appearing on behalf of the petitioner informs this Court that during the pendency of the



present bail application petitioner no. 2, namely, Mahesh Ram has already been arrested. Learned counsel further submitted that he seeks to withdraw the present bail application so far as the petitioner No.2 is concerned. Accordingly, the bail prayer made on behalf of the petitioner No.2 is not required to be adjudicated.

5. Learned counsel appearing on behalf of the petitioner submits that nothing has been recovered from the conscious possession of the petitioner no. 1 and he has falsely been implicated in the present case. Learned counsel further submitted that petitioner no. 1 has no criminal antecedent.

6. Considering the fact that 63.42 litres foreign made liquor has been recovered from the car in question and nothing has been recovered from the conscious possession of the petitioner, the Court below is directed to release the petitioner no. 1 on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No. 1, Jehanabad in connection with Shakukrabad P.S. Case No. 225 of 2022, subject to the condition as laid down under Section 438(2)



of the Cr.P.C.

7. The present bail application is disposed of.

(Purnendu Singh, J)

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