

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17501 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- ARARIA District- Araria

RAKESH VISHWAKARMA @ RAKESH BISWAKARMA S/O Late Dipak Bhishwakarma R/O Village at present Rani Itanagar, Pampamp road, P.S and District- Pamppara, State- Arunachal Pradesh, Permanent address- R/O Village- Jugibari @ Jorabari, P.S- Gohpur, District- Sonitpur, State- Assam

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 41 of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and allegation is of recovery of 2645.625 liters of liquor from a truck.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted that petitioner is neither the owner nor the driver of the truck and he came to be implicated based on confessional statement of



co-accused in police custody which does not have any evidentiary value. It is next submitted that petitioner because of his antecedent was implicated by the police falsely.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Araria P.S. Case No. 47 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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