

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26134 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- DIDARGANJ District- Patna

RAHUL KUMAR AGRAWAL @ RAHUL KUMAR Son of Ramesh Kumar
Agrawal R/o - Flate No.- 103, Mahavira Enclave, Post Office Lane,
Exhibition Road, P.S.- Gandhi Maidan, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-05-2023 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),
32(ii)(iii), 36 and 41(i)(ii) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and allegation is of
recovery of 1665 litres of liquor from a car within the boundary
of Rahul Kumar (petitioner) and from the bush by searching
inside the compound, it is next alleged that from a truck, 639.36
litres liquor was recovered.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing



was recovered from his conscious possession, it is next submitted that petitioner is a reputed businessman and he stays at Exhibition Road as would manifest from his address in the cause title and has a vacant land at Didarganj which has been bounded by boundary wall with a gate. Learned counsel next submits that no prudent person would use his own premise for committing such a crime and thus would get implicated easily, it is next submitted that these days it has become rampant that the liquor mafia, being aware that the landlord is not residing at the place of occurrence, uses the premises without the knowledge of the landowner, learned counsel next submits that the law is such that even if the landowner is in America and liquor is found on his land in his village in India then also he will be implicated. Learned counsel further submits that petitioner is a businessman and no businessman can indulge in such an act where he would use his own premise for committing a crime and thus would get implicated easily when admittedly the petitioner is a person with clean antecedent.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Didarganj P.S. Case No. 84 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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