

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30782 of 2023

Arising Out of PS. Case No.-77 Year-2020 Thana- BAHERI District- Darbhanga

Rakesh Kumar, Son Of Sanjay Kumar Sah R/O Ward No.- 13, Samadhpura,
P.S.- Baheri, District- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Section 30(a)
of the Excise Act, 2016.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the allegation is
of recovery of 6.600 litre of liquor from the house of Sintu
Kumar Mahto, who was arrested, who disclosed the name of the
petitioner, who was also arrested.

The learned counsel for the petitioner submits that
though petitioner was arrested, but then, nothing was recovered
from his conscious possession, as such, police granted the
benefit of Section 41(1) of the Cr.P.C. It is next submitted that



once the benefit of Section 41 of the Cr.P.C. is granted, then in that event also, anticipatory bail would be maintainable as held by this Court in the case of ***Gauri Shankar Roy vs. the State of Bihar reported in 2015(3) P.L.J.R. 618***. It is further submitted that petitioner never misused the privilege of police bail, but now cognizance has been taken, as such, he apprehends his arrest.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 1,000/- (Rupees One Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-1, Excise Act, Darbhanga in connection with Baheri P. S. Case No.77 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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