

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36495 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- SONO District- Jamui

Rakesh Kumar S/O Satydev Sah @ Satyadev Sah R/O Village-Prahladpur,
P.S-Musahari, Distt-Muzaffarpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Sono P.S. Case No. 01 of 2022, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 37(b) of Bihar Prohibition and Excise (Amendment) Act, 2018 .

3. As per allegation, 650 ml of beer was recovered from a Scorpio and seven persons sitting in the vehicle were found in drunken condition.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is owner of the car and the petitioner was not arrested from the spot. It is further submitted that co-accused Rahul Kumar, who is the friend of the



petitioner, took the alleged vehicle for going to Deoghar and the petitioner was not aware about the alleged contraband being carried in the alleged vehicle.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for anticipatory bail.

8. In view of the aforesaid facts and circumstances, no case, *prima facie*, is made out against the petitioner. Hence the present anticipatory bail application, is maintainable.

9. Considering the aforesaid facts and circumstances, the present anticipatory bail is maintainable and the same is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court, in connection with Sono P.S. Case No. 01 of 2022, subject to the



conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail and charge is framed with regard to alleged subsequent offence, his bail-bond will be cancelled by the court below.

10. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

Amrendra/ashish
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(Jitendra Kumar, J)

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