

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39557 of 2023

Arising Out of PS. Case No.-39 Year-2023 Thana- WARISNAGAR District- Samastipur

RUPAK KUMAR S/O NARESH MAHATO @ NARESH KUMAR MAHTO
R/O Village- Hansopur, PS. Khanpur, Dist. Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-08-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Warisnagar P.S. Case no. 39 of 2023 registered under sections 30(a), 30(c) and 30(d) of the Bihar Prohibition and Excise Act, 2016 and sections 419, 420, 467, 468 and 34 of the Indian Penal Code.

3. As per the prosecution case, on information having been received and a raid being conducted, it is stated that 1811 empty bottles of liquor with the capacity of 375 ml. each was recovered. Two of the accused persons were taken into custody. It is further stated that co-accused Nitish Kumar disclosed that several other accused persons including the petitioner herein were involved in the trade of liquor.

4. Learned counsel for the petitioner submits that



neither any incriminating article has been recovered from the petitioner's possession nor he was arrested at the spot. The only material against him is the confessional statement of the co-accused made before police. The cause of false implication of the petitioner is his antecedent.

5. Heard learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR, the petitioner not having been arrested at the spot and his name having transpired in the statement of a co-accused made before police, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Warisnagar P.S. Case no. 39 of 2023 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur.

(Partha Sarthy, J)

Spd/-

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