

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39382 of 2023

Arising Out of PS. Case No.-228 Year-2021 Thana- MINAPUR District- Muzaffarpur

RAJ KUMAR, S/O HARVANSI PRASAD, R/O Village- Ward No. 11,
Minapur, PS. Minapur, Dist. Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-08-2023 Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Minapur P.S. Case no. 228 of 2021, registered under sections 272, 273 and 34 of the Indian Penal Code and section 30(a) of Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on a raid being conducted 357.090 litres of country made liquor was recovered from the house of one Rajvallabh Prasad and one Ajay Kumar was arrested. It is stated that the arrested accused disclosed the names of the petitioner Raj Kumar, Chandan Kumar and Kameshwar Kumar @ Rai as being involved in the sale of liquor.

4. Learned counsel for the petitioner submits neither the petitioner was arrested at the spot nor any incriminating article was recovered from his possession. He has no concern with the



seized liquor or from the place of its seizure. The cause of false implication is his antecedent. The co-accused Chandan Kumar has been enlarged on anticipatory bail vide order dated 26.05.2022, contained in Annexure-2.

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

6. Having heard learned counsel for the parties and taking into consideration the allegation in the F.I.R according to which the name of the petitioner transpired in the statement of co-accused made before police, the alleged place of recovery not being the house of the petitioner together with grant of anticipatory bail to co-accused Chandan Kumar vide order dated 26.05.2022, passed in Cr. Misc. no. 69351 of 2021, 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 Minapur P.S. Case no. 228 of 2021, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-II, Excise, Muzaffarpur, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Partha Sarthy, J)

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