

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51647 of 2023

Arising Out of PS. Case No.-43 Year-2019 Thana- CHANAN District- Lakhisarai

RAKESH KUMAR S/O JAGDISH YADAV R/O Village- J.P. Hospital, Panch
Mandir Road, Near Eklavya College, Bodhwan Talab, Jamui, P.S- Jamui,
Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 11-08-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 30(a), 38(1)(2), 41 of
the Bihar Prohibition and Excise Act.

3. Altogether 1100 ml. of foreign liquor is said to have been
recovered from the Santro car of the petitioner and driver was
apprehended from the spot.

4. Learned counsel for the petitioner submits that petitioner
is quite innocent and has not committed any offence as alleged
in the FIR. Petitioner has been falsely implicated in this case.
Petitioner has neither been apprehended on the spot nor any
incriminating article has been recovered from his conscious



physical possession. He has no concern either with the seized liquor or any trade of liquor. Though the petitioner is the owner of the said car but the same was used to be driven by the driver, who went in a marriage ceremony on fare and in the way the vehicle was seized. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/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.25,000/- (Rupees Twenty Five 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 Chanan P.S. Case No.43 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(i) That one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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