

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57459 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- KAUWAKOL District- Nawada

Rajesh Kumar Son Of Mahendra Yadav R/O-Guaghoghara Lalpur, P.S.-
Kawakole, Distt.-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-08-2023 Heard Mr. Sheo Kumar Prasad, learned counsel
appearing on behalf of the petitioner and Mr. Md. Shakir
Ahmad, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kawakole P.S. Case No. 69 of 2023, registered under
Sections 279/41 of the Indian Penal Code and Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

3. As per the allegation made in the F.I.R., altogether
50 litres of country made liquor recovered from the tractor of
the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in this case. He further submits that petitioner
has no concern with the alleged recovered liquor. Learned



counsel further submits that at the time of seizure of the alleged liquor the tractor of the petitioner was driving by one Vijay Kumar.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioner as well as the total quantity of liquor which has been recovered is only 50 litres, I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. The Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No. 2, Nawada in connection with Kawakole P.S. Case No. 69 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner



is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

manish/-

U		T	
---	--	---	--

