

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61884 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- KOTWALI District- Patna

RAKESH TIWARI @ BABA S/O LATE PARMANAND TIWARI R/O
VILLAGE KHORAITHA, P.S.- BIKRAM, DIST.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 11-10-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Kotwali Police Station Case No. 76 of 2023, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).
3. The allegation against the petitioner, as per the First Information Report, 272.130 liters of illicit liquor has been recovered from baleno Car, alto Car, bullet motorcycle and Jagat Bhawani apartment.
4. The police arrested the owners of the motorcycle from the spot who disclosed that they are engaged in the business of illegal trade of liquor along with the petitioner.
5. Learned Counsel for the petitioner submits that



from the First Information Report, it would be evident that the illicit liquor has been recovered from the vehicles not belonging to the petitioner and the owners of the vehicles, from where the illicit liquor was recovered, have been arrested on the spot. The name of the petitioner has been disclosed by the arrested co-accused persons. The petitioner is having no criminal antecedent and is also not the owner of the Jagat Bhawani flat from where the illicit liquor was recovered. The illicit liquor has not been recovered from the conscious possession of the petitioner or the vehicle or flat belonging to him.

6. After having heard learned Counsel for the parties concerned and taking into consideration the fact that the illicit liquor has not been recovered from the conscious possession of the petitioner or the vehicle/flat belonging to the petitioner and the petitioner does not have any criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, Rakehs Tiwari @ Baba, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna,



in connection with Kotwali Police Station Case No. 76 of 2023,
subject to the condition laid down under Section 438 (2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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

