

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60407 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- RISIYAP District- Aurangabad

Rakesh Choudhary @ Rakesh Kumar Son Of Ashok Choudhary Village-
Meghraj Bigha, Pawai, Ps- Muffasil (AURANGABAD), Dist- Aurangabad,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate
For the Opposite Party : Mr. Surendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Risiup P.S. Case No. 94 of 2023 dated 11.07.2023, instituted for
the offence punishable under Sections 30(a) of the Bihar
Prohibition and Excise Amendment Act, 2018.

3. Allegation is recovery of 432 litres of foreign liquor
from a Car bearing Registration No. JH09M-3355.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has falsely been implicated in this
case. It is submitted that the petitioner has not been arrested on
the spot and no incriminating article has been recovered from
the conscious possession/house of the petitioner. It is further



submitted that at the time of occurrence, the petitioner was not present at the place of occurrence. The petitioner has no concern with the said vehicle, which has been seized by the Police. It is further submitted that similarly situated person, namely, Anuj Kumar @ ANUJ Kumar has been granted bail *vide* order dated 31.08.2023 passed in Cr. Misc. No. 57070 of 2023 by a co-ordinate Bench of this Court. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Risiup P.S. Case No. 94 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Special Judge, Excise Court Second, Aurangabad, subject to condition as laid down under Section 438(2) of the Cr.P.C. and also subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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