

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57349 of 2023

Arising Out of PS. Case No.-6 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

Rakesh Kumar @ Rakesh Yadav, aged about 25 years (Male) Son of Ashok Yadav, Resident of Village- Srinagar, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the State : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Siwan Muffasil P.S. Case No. 06 of 2022 dated 05.01.2022 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, there is total recovery of 14 litres of country made liquor.

4. Learned counsel for the petitioner submits that the name of the petitioner transpired on the confessional statement of co-accused Pappu Chauhan. The petitioner has no concern with the seized liquor nor with the co-accused Pappu Chauhan and he has been falsely implicated in this case. There is no recovery from the conscious possession of the petitioner. The



petitioner has two criminal antecedents.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on 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 Exclusive Special Judge Excise Court No. II, Siwan in Siwan Muffasil P.S. Case No. 06 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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