

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63850 of 2023

Arising Out of PS. Case No.-214 Year-2023 Thana- JAGDISHPUR District- Bhojpur

Rakesh Kumar @ Rakesh Kumar Chaudhary S/O- Jay Ram Chaudhary
Village- Asavan Tola Ps- Jagdishpur Dist- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Shiv Prasad Gupta, Advocate
For the State	:	Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Jagdishpur P.S. Case No. 214 of 2023
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2018.

3. It is alleged that 30 litre illicit liquor has been
recovered from co-accused Ajay Choudhary, while petitioner
has fled away.

4. It is submitted by learned counsel for the petitioner
that the petitioner was never with Ajay Choudhary on the date
of alleged recovery. Having no antecedents, he has been
implicated on account of his proximity with co-accused Ajay
Choudhary. There is no basis for petitioner's identification other



than statement of Ajay Choudhary recorded in custody, having no sanctity in the eyes of law.

5. The learned APP has opposed the prayer by raising the bar to grant of anticipatory-bail under Section 76(2) of the Bihar Prohibition and Excise Act.

6. Considering the rival submissions, clean antecedents, nature of allegations and the manner in which the petitioner has been implicated based on statement of co-accused, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in **2019 (2) PLJR 1089 (FB)**, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioner's prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 the learned Exclusive Special Excise Court No.1st, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 214 of 2023, subject



to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to 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. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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