

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73046 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- MOTIPUR District- Muzaffarpur

RISHIKESH KUMAR Son of Gopal Choudhary R/V- Majhaulia P.S- Sakra,
Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Prakash Shrarma,Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Motipur P.S. Case No. 183 of 2022 for the offence
registered under Sections 467, 468, 471 and 120(B) of the
Indian Penal Code and Sections 30(a), 32, 36 and 41(1) of the
Bihar Prohibition and Excise Act.

As per the prosecution story, on secret information,
the police stopped a passenger bus and started checking in
course whereof 1785.97 litres of liquor was recovered.
Accordingly, seizure list was prepared and the conductor and the
bus driver were apprehended who disclosed that the liquor was
to be delivered to the petitioner herein.



Learned counsel for the petitioner submits that he had no role to play in the matter. He has no criminal antecedent and only because the liquor was seized, his name has been taken by the concerned persons due to enmity. It is his further submission that neither the bus belongs to him nor he has anything to do with the liquor. The last submission is that irrespective of the outcome of the present petitioner, the petitioner wants to contribute to the Patna High Court Legal Services Committee by providing the Rs. 25,000/- through demand draft issued by local State Bank Of India branch.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that the arrested persons named him.

Taking into account the fact the recovery/seizure is from the bus and the petitioner admittedly was not either the passenger nor anything recovered from his conscious possession, he do not have any criminal antecedent, this Court is inclined to grant him privilege of anticipatory bail subject to payment of Rs. 25,000/- in the Account no. 1413010060836 of Patna High Court Legal Services Committee with further condition that he will be visiting the concerned police station for next six months every fortnight to mark his attendance.

Let the petitioner in the event of arrest or surrender



within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Court No. II, Muzaffarpur in connection with Motipur P.S. Case No. 183 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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