

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73924 of 2023

Arising Out of PS. Case No.-331 Year-2023 Thana- MAHUA District- Vaishali

Rakesh Kumar, aged about 28 years (Male), Son of Raj Narayan Rai,
Resident of Village-Alipur Bhadwash, P.S.-Mahua, District-Vaishali.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Santosh Kumar, Advocate

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in
connection with Mahua P.S. Case No. 331 of 2023 dated
31.05.2023 registered for the offence punishable under
Sections 272, 273/34 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

4. As per the prosecution case, total 24 litres of
illicit liquor was recovered from the field of the co-accused



Md. Kaimur.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. The alleged recovery of liquor was made from the field of the co-accused Md. Kaimur. It is submitted that the name of the petitioner has been disclosed by local people. The other co-accused persons have already been granted anticipatory bail by another Co-ordinate Benches of this Court vide Cr. Misc. No. 48846 of 2023 under order dated 16.08.2023 and Cr. Misc. No. 47172 of 2023 under order dated 11.08.2023, annexed as Annexure-2 series to the bail petition. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six



weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at Hajipur in connection with Mahua P.S. Case No. 331 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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