

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73012 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- BITHAN BAZAR District- Samastipur

RAKESH KUMAR S/O Baijnath Mukhiya @ Baijunath Mukhiya R/O
Village Bithan, P.S- Bithan, District- Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-03-2023 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Altogether, 2 litres of country made liquor has been recovered from the Dicky of the motorcycle which was driven by the apprehended co-accused. The petitioner happens to be the owner of the aforesaid motorcycle.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is



not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case due to ulterior motive. He has been made accused in this case because he is the own brother of the apprehended co-accused Rajesh Kumar. Petitioner is the owner of the seized motorcycle. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bithan P.S. Case No. 44 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that



(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

