

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72787 of 2022

Arising Out of PS. Case No.-08 Year-2021 Thana- MOTIPUR District- Muzaffarpur

RAKESH KUMAR Son of Main Bhagat @ Mayan Bhagat R/v- Rasulganj,
P.S.- Motipur, District- Muzaffarpur Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioner and the State
through video conferencing in view of the Covid-19.

The petitioner apprehends his arrest in connection with
Motipur P.S. Case No. 08 of 2021 instituted under Sections 272,
273 of IPC and Sections 30(a), 41(i)(2) of Bihar Prohibition and
Excise Amendment Act, 2018.

As per the prosecution story, the police got information
that four brothers dealing with illicit liquor and accordingly
raided their 'Bathan' and 54 litre foreign liquor were
recovered/seized and the FIR was lodged. Further, upon search in
a hut, 250 litre of spirit present in two drums were also
recovered/seized.

Learned counsel for the petitioner submits that it is hard
to believe that all the brothers will indulge in the sale of illicit
liquor together which is banned in the State and the police just to



put a nab around their neck have implicated entire family. Further submission is that 'Bathan' is an open place and so far as the hut is concerned, that is also a secluded place where the petitioner do not reside and in that backdrop, he deserves the relief and would be abide by all the terms and conditions if granted the privilege of anticipatory bail.

Learned APP on the other hand opposes the prayer of bail.

Taking into account the aforesaid facts that the recovery is from the 'Bathan' and a secluded hut where the petitioner do not reside and would be available to Police during investigation, this Court is inclined to grant him privilege of anticipatory bail

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Motipur P.S. Case No. 08 of 2021 to the satisfaction of learned Exclusive Special Judge, Excise, Court No. II, Muzaffarpur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with the following conditions :

(i) one of the bailor should be the family member of the



petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available before the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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