

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76136 of 2023

Arising Out of PS. Case No.-574 Year-2023 Thana- GANDHIMAIDAN District- Patna

Rajesh Kumar @ Dipu Kumar Ramesh Saw @ Ramesh Saw Paniwala R/O
Salimpura Ahra, Lane No. 03, P.S- Gandhi Maidan, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shams Akhtar, Adv.

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

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

ORAL ORDER

2 13-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Gandhi Maidan P.S. Case No. 574 of 2023, Special Case No. 5547 of 2023 dated 09.07.2023 registered for the offences punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, 1.5 litres of illicit foreign liquor was recovered from the dicky of the Scooty.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner is the owner of the said Scooty but the said Scooty was not being driven by the petitioner at the time of the alleged



recovery. Nothing has been recovered from the possession of the petitioner and the petitioner has no concern with the alleged recovery. Hence, no case is made out against the petitioner. The petitioner has three criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in connection with Gandhi Maidan P.S. Case No. 574 of 2023, Special Case No. 5547 of 2023 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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