

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11516 of 2024

Arising Out of PS. Case No.-362 Year-2023 Thana- FATEHPUR District- Gaya

Raghu Kumar Son of Prayag Saw Resident of Village- Gafakala, P.S.-
Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-03-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2022.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 90 liters of liquor from three motorcycles as
detailed in the FIR.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and came to be implicated based on the fact that
petitioner is the owner of one of the seized motorcycle. It is next
submitted that no prudent person would use his own vehicle for



committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his friend Guddu would misused the vehicle in the manner as alleged who was also apprehended from the spot, when petitioner admittedly is a person with clean antecedent.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Fatehpur P.S. Case No.362 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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