

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22228 of 2024**

Arising Out of PS. Case No.-188 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Rakesh Mahaton @ Rakesh Raj @ Rakesh Kumar Son of Sri Rajendra Roy
Resident of vill.-Darhathansingh, P.S.-Bakhri, Distt.-Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shaishav Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Naokothi P.S. Case No.188/2023 registered for the offence
punishable under Sections 120(B) of I.P.C. read with Sections
30(a), 32 and 41 of Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of eight cases and allegation is of
recovery of 900 litres of liquor from a truck.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and is not the owner of the truck and he came to be
implicated at the instance of local people but then the name of



the person who disclosed the name of petitioner is not disclosed in the F.I.R., which casts an aspersion on the case of the prosecution. Other co-accused have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 01-03-2024, 04-03-2024 & 13-03-2024, passed in Cr. Misc. No. 11492 of 2024, Cr. Misc. No. 11709 of 2024 & Cr. Misc. No. 16148 of 2024, respectively.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-1, Begusarai in connection with Naokothi P.S. Case No.188/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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