

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18420 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- BAKHARI District- Begusarai

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Bakhri P.S. Case No. 405 of 2023, dated 28.12.2023 registered for
the offences punishable under Sections 30(a), 32 and 41 of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of thirteen cases.

4. Allegation is of recovery of 891 litres of liquor from a
pick-up van.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession. It is further submitted that
petitioner is neither the owner nor the driver of the pick-up van and
he came to be implicated at the instance of the local people but then
the name of the person who disclosed the name of the petitioner is



not disclosed in the FIR which casts an aspersion on the case of the prosecution. It is next submitted that it appears that the police in order to save the real culprits got the petitioner implicated by some local person taking advantage of his antecedents. It is also submitted that once a person is implicated in a case the police starts implicating the person in similar cases.

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

7. 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.65,000/- (Rupees Sixty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bakhri P.S. Case No. 405 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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