

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25137 of 2024**

Arising Out of PS. Case No.-207 Year-2023 Thana- Excise P.S. District- Aurangabad

Rahul Kumar Son of Lakhpati Yadav Resident of Village- Tikuliyapar, P.S  
Kako, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      04-04-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 30(a) and  
32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 17.280 litres of liquor  
from a motorcycle.

5. Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and he came to be  
implicated based on the fact that he is owner of the seized vehicle.  
It is further 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 next submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged.

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.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/successor court in connection with Daudnagar Excise P.S. Case No. 207 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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