

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34777 of 2024

Arising Out of PS. Case No.-35 Year-2024 Thana- Excise P.S. District- Rohtas

Ritesh Kumar Son of Jamuna Bind Resident of Mohalla- Kadiraganj, P.S.-
Darigaon, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Agrawal, Adv

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 30-05-2024 Heard Mr. Vishal Agrawal learned advocate for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S Case No. 35 of 2024 registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the police in course of patrolling intercepted an E-Rickshaw bearing registration no. BR24ER2702. In course of search total 45 liters of country made liquor was recovered. Police apprehended two minors who were sitting in the E-Rikshaw. The apprehended minors disclosed the name of the petitioner.

4. Learned Advocate for the petitioner submitted that save and except the disclosure made by the minors who were



apprehended at the place of occurrence, there is no material suggesting the complicity of the petitioner in the present crime. Moreover, only on account of one past criminal antecedent of identical nature, the name of the petitioner has been implicated in this Case. Learned advocate for the petitioner further contended that neither the petitioner has any concerned with the E-Rickshaw nor with the alleged recovered illicit wine. Apart from the aforesaid submission he also drew the attention of this Court to the other infirmities in the search and seizure.

5. On the other hand learned counsel for the State opposed the bail application.

6. Regards being had to the submission made on behalf of the parties and considering the fact that save and except the disclosure there is no other material suggesting the complicity of the petitioner coupled with the other infirmities in the search and seizure, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Court No. 1, Rohtas at Sasaram in connection with Excise P.S Case No. 35 of 2024, subject to the conditions



as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that one of the bailors shall be the own/ close family members of the petitioner.

7. This application stands allowed.

(Harish Kumar, J)

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