

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32967 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- KOTWA District- East Champaran

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Raja Kumar @ Rajababu Kushwaha S/o Awadhesh Bhagat R/o vill - Purani
Dih, P.S. - Bhopatpur, O.P., Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in Kotwa
(Bhopatpur) P.S. case No. 33 of 2024 registered under Sections
30(a), 32, 41(1) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 872.064 liters
wine is recovered in this case.

4. It has been submitted on behalf of the petitioner that
the petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The name of the
petitioner has transpired on the basis of confessional statement
of co-accused namely Anjani Kumar Giri. Except the



confessional statement, there is nothing alleged against the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner has one criminal antecedent. There is no compliance of Section 100 of Cr.P.C. Co-accused has been granted regular bail by this Bench vide order dated 20.04.2024 passed in Cr. Misc. No. 31565 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Kotwa (Bhopatpur) P.S. case No. 33 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

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