

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33998 of 2024

Arising Out of PS. Case No.-93 Year-2022 Thana- GAIGHAT District- Muzaffarpur

Rahul Kumar, Son Of Shambhu Ray, Resident Of Village - Rosi, P.S. -
Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Gaighat P.S. Case No. 93 of 2022 registered for the offences punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30 (a), 36, 41 (i) of Bihar Prohibition & Excise Act, 2018.

3. As per the prosecution case, total 68.500 liters of English wine made in Nepal was recovered from the Ambulance from which three persons were arrested and some accused including the petitioner managed to escape from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent has falsely been implicated in this case. He is neither the owner or driver of the alleged recovered Ambulance nor he has any concern of the said occurrence.



Petitioner has no criminal antecedent and he is a young boy of aged about 22 years. He further submits that similarly situated co-accused namely Chhotu Kumar @ Himanshu has been granted anticipatory bail by this Court vide order dated 11.10.2023 passed in Cr. Misc. No. 60645 of 2023. Petitioner undertakes to cooperate in the investigation and trial.

5. Learned APP opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the concerned Court where the case is pending in connection with Gaighat P.S. Case No. 93 of 2022, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Sunil Dutta Mishra, J)

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