

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35375 of 2024

Arising Out of PS. Case No.-311 Year-2023 Thana- RAJNAGAR District- Madhubani

Atul Kumar @ Atul Thakur Son Of Late Mukul Thakur @ Rabindra Nath
Thakur R/O - Vill - Bhatsimer Dih , P.S - Rajnagar , Dist- Madhubani
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Pronoti Singh, APP

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

ORAL ORDER

2 08-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with
Rajnagar P.S. Case No. 311 of 2023 instituted for the offences
under Sections 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total
5483.880 liter illicit liquor from the truck bearing Registration
No. UP13CT-2384.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the only on the
basis of suspicion and the disclosures made by the local people.
Petitioner is neither the owner nor driver of the vehicle. The
petitioner was not arrested at the spot and has no concern with



the alleged recovery of illegal wine or the seized vehicle in question. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no. 3 of the present application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rajnagar P.S. Case No. 311 of 2023 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Prakash/-

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