

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35573 of 2024

Arising Out of PS. Case No.-63 Year-2024 Thana- TARARI District- Bhojpur

Raushan Kumar Son of Dhanji Singh R/O Vill.- Bhakhuriya, P.S.- Kachawa,
Dist.- Rohtas. At Present Ward no. 14, Near Anganbari, Gali No. 12, Subhash
Nagar, Dehari, P.S.- Dehari, Dist.- Rohtas

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Tarari P.S. Case No. 63 of 2024 registered for the alleged offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

03. As per prosecution case, during checking of vehicles, police found two persons carrying some article in a sack on motorcycle. On seeing the police party, both persons tried to escape but one of them was apprehended, who disclosed the name of the petitioner, who fled away from the spot and recovery of 40 liters of country made liquor was made from the sack

04. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case at the instance of co-accused Lalu Kumar, who is on inimical terms with the petitioner. The petitioner has nothing to do with the seized liquor. The petitioner does not own the alleged motorcycle. Learned counsel further submits that the petitioner works as labourer in a grocery shop and is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the clean antecedent of the petitioner and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Bhojpur, Ara/concerned court in connection with Tarari P.S. Case No. 63 of 2024 subject to the condition laid down under Section 438(2) of the Code of



Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

07. However, before accepting the bail bond, the learned trial court would verify whether the alleged motorcycle is owned by this petitioner or not. If it is found that the motorcycle is owned by this petitioner, his bail will not be accepted.

(Arun Kumar Jha, J)

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