

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40314 of 2024

Arising Out of PS. Case No.-772 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Rakesh Kumar S/O- Sarvajeet Singh R/O Vill.- Purana Bhojpur, P.S.-
Dumraon, Dist.- Buxar, Bihar- 802133

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar, Adv.

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

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

ORAL ORDER

2 25-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Makhdumpur P.S. Case No. 772 of 2023 registered for the offences punishable under Sections 467, 468, 419, 420, 471, 347 of the Indian Penal Code and Section 30(a), 32(1), 32(2), 41(1) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per prosecution case, the police has recovered altogether 812.16 liters illicit liquor from the truck bearing Regd. No. JH09Q-8510.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is the owner of the Truck, 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 anticipatory bail application. The petitioner has no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Sagar Kumar Rawani has been granted regular bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 20322 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or 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 the learned court below where the case is pending/successor court in connection with



Makhdumpur P.S. Case No. 772 of 2023, subject to the
conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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