

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43923 of 2024

Arising Out of PS. Case No.-280 Year-2023 Thana- MAHNAR District- Vaishali

Raushan Kumar Son of Ajay Rai @ Ajay Prasad Yadav Resident of village -
Lawapur Mahnar, Police Station - Mahnar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends arrest in Mahnar P.S.
Case No. 280 of 2023, registered under Sections 272, 273 of the
Indian Penal Code and Sections 30(a), 32(ii)(iii), 36, 41(i)(ii) of
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 4876.965
liters liquor was recovered from truck.

4. Learned counsel for the petitioner submits 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 petitioner has got
no concern with the alleged recovery of liquor. It is submitted
that the petitioner is neither owner nor driver of the truck in



question and name of the petitioner has transpired on the basis of confessional statement of co-accused person which has no evidentiary value. The petitioner has got one criminal antecedent. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted anticipatory bail by this Court vide order dated 10.04.2024 passed in Cr. Misc. No. 86366 of 2023 and Cr. Misc. No. 14813 of 2024. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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 Mahnar P.S. Case No. 280 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

