

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45703 of 2024

Arising Out of PS. Case No.-426 Year-2023 Thana- PHULWARIYA District- Gopalganj

1. Rakesh Kumar @ Mangaru Yadav son of Ram Belash Yadav Village- Madarbani Ps- Phulwariya Dist- Gopalganj
2. Shivjee Chaudhari @ Shivjee Yadav son of Late Jhunkhun Chaudhary Village- Madarbani Ps- Phulwariya Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-08-2024 Heard learned counsel for the petitioners and Mr. Umeshanand Pandit, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Phulwariya P.S. Case No. 426 of 2023 registered under Section 30(a) of Bihar Excise Act.

3. As per prosecution case, 54 liters of illicit liquor has been recovered from the motorcycle.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have falsely been implicated in the present case due to ulterior motive. Further submission is that nothing has been recovered from the conscious possession of the petitioners. Petitioners have no concern either with the seized motorcycle or with the illicit liquor. Petitioner no. 2 has got two criminal antecedents, in which one is of similar nature and in both the cases, he is on bail.



5. However, learned A.P.P. for the State vehemently opposed the prayer for bail with respect to petitioner no. 1 by contending that this petitioner has got two criminal antecedents of similar nature. Hence, he does not deserve the privilege of anticipatory bail.

6. Considering the fact that petitioner no. 1 has got two criminal antecedents of similar nature, his prayer for bail is, accordingly, rejected.

7. Having considered the aforesaid facts and circumstances, let above named **petitioner no. 2** be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-XIII-cum-Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 426 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

utkarsh/-

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

