

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58661 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Rakesh Kumar Bharti Son of Balister Prasad R/V-Village - Dhanauji Kalon,
P.S. - Pataherwa, Dist. - Kushi Nagar, U.P.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-09-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with
LNMU P.S. Case No. 247 / 2023 dated 09.08.2023 registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

3. As per the F.I.R. on 09.08.2023 the Police got information
that liquor was being unloaded from a vehicle by the
co-accused / Vijay Mahto and Kishori Mahto at Sunderpur,
Badhai Tola near Brahamasthan. The Police intercepted the
vehicle and recovered 786.24 liters of foreign liquor from the
said vehicle. The petitioner has been made accused only because
he happens to be the owner of the Pick Up Van / vehicle.

4. Learned counsel for the petitioner submits that the Pick Up
Van owned by the petitioner is a commercial vehicle which is



plied on hire basis. The petitioner was not aware that the driver of the vehicle was using the same for the purpose of carrying illegal liquor. The petitioner is having no criminal antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the fact that the vehicle in question is a commercial vehicle capable of being run on hire basis and the petitioner is having no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-II (Excise Act), Darbhanga in connection with LNMU P.S. Case No. 247 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further condition that one of the bailors shall a local person residing within the territorial jurisdiction of the learned Trial Court.

(Anil Kumar Sinha, J)

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