

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68232 of 2024

Arising Out of PS. Case No.-849 Year-2019 Thana- LAKHISARAI District- Lakhisarai

Rakesh Kumar S/o Mukhan Saw Resident of Village- Dayachak, Barh, PS-
Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 19-09-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act in
connection with Lakhisarai P.S. Case No.849 of 2019.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 102.75 liters of liquor from a car.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and he came to be implicated based on the fact that



he is owner of the alleged seized car. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that petitioner was completely unaware that his driver would misuse the vehicle in the manner.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, Vth -cum- Special Excise Judge- IInd, Lakhisarai in connection with Lakhisarai P.S. Case No.849 of 2019, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case in that



event, the present anticipatory bail order shall not be given effect.

8. The application stands allowed.

9. Today 30 cases relating to excise were taken up. In 30 cases there were 37 petitioners out of which 25 petitioners were persons with clean antecedent, further in 16 cases the recovery is less than 30 liters of liquor, as such the total amount of liquor alleged to have been seized is 4699.075 liters of liquor along with 1505 liters of codeine.

(Satyavrat Verma, J)

Prakash Narayan

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