

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71509 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- DHANKUND District- Banka

Rakesh Ranjan @ Rakesh Mahto Son of Maheshwar Mahto Resident of
Village - Malpur Agrail, P.S. - Sakra, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suruchi Anand, Adv.
Mr. Nidhi Anand, Adv.
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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

ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Dhankund P.S. Case No. 26 of 2024 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022 (Amended).

3. As per prosecution case, the police has recovered
total 5097.5 liters of illicit liquor from the truck bearing Regd.
No. BR09GA-6815.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of co-accused. The petitioner is neither owner nor driver of the alleged vehicle. The petitioner has seven criminal antecedents out of which three cases are related to excise case and, in all of the seven cases, he is on bail, as has been stated in paragraph no.3 of the present anticipatory bail application. The petitioner has no concern with the alleged occurrence or the seized liquor or the vehicle, in question. 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 Vikash Kumar @ Lalu @ Vikash has been granted regular bail by this Court vide order dated 06.09.2024 passed in Cr. Misc. No. 64902 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 Dhankund P.S. Case No. 26 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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