

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76076 of 2024

Arising Out of PS. Case No.-115 Year-2023 Thana- GUTHANI District- Siwan

Rakesh Kumar Panday @ Rakesh Pandey, Son of Prabhat Pandey, Resident
village- Ekdanga Pandit, P.S. -Bankata, Dist -Deoria (UP)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 22-11-2024 Heard learned counsel for the petitioner and Mr. Braj
Kishore Pd., learned APP for the State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection with
Guthni P.S. Case no. 115 of 2023 instituted for the offence under
Sections 414 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The case of the prosecution is that one Alto car was
coming from the side of U.P. Three persons started fleeing away
from that car. Two of them managed to escape whereas one
Avinash Singh was apprehended. It is alleged that altogether
119.160 liters of foreign liquor was recovered from the said car.
The apprehended accused Avinash Singh has disclosed the name
of this petitioner.

4. Learned counsel appearing on behalf of the petitioner



has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He has no concerned with the alleged liquor and vehicle. Neither he has been apprehended on the spot nor anything has been recovered from his conscious possession. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Guthni P.S. Case no.115 of 2023, he will be enlarged on bail 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 Excise Court No.I, Siwan, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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