

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74353 of 2024

Arising Out of PS. Case No.-657 Year-2022 Thana- ALAMGANJ District- Patna

Rahul Kumar Son of Satish Prasad Resident of Village - Pallavinagar
Mushari, P.S. -Alamganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jaishankar Kumar Yadav

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 13-11-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Alamganj P.S. Case No. 657 of 2022 dated 27.08.2022 registered under Section 30(a) & 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the First Information Report a total quantity of 10 liters of country made Mahua liquor has been recovered from the arrested co-accused / Ramesh Kumar, who disclosed that he was asked to deliver the consignment of liquor to Rahul Kumar (i.e. the petitioner).

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and has been falsely implicated in the present case with oblique motive. The name of the petitioner transpired on the basis of confessional



statement of the co-accused / Ramesh Kumar made before the Police. The Police during search and seizure did not follow the procedures prescribed under Section 100 Cr.P.C. The Mahua liquor in question has not been recovered from the physical possession of the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the fact that illicit Mahua liquor has not been recovered from the conscious possession and / or house belonging to the petitioner and his name has surfaced in the confession made by the arrested co-accused, as such, 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 Exclusive Special Excise Court, Patna City in connection with Alamganj P.S. Case No. 657 of 2022 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

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