

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79356 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- AURAI District- Muzaffarpur

RAKESH KUMAR S/O RAMKARAN RAI R/O VILLAGE- PANAPUR,
P.S- AURAI, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manjeet Kumar Mishra

For the Opposite Party/s : Mrs. Asha Devi

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Aurai P.S. Case No.149/2023 registered for the offence punishable under Sections 272, 273 and 34 of the I.P.C. & Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2016.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases and allegation is of recovery of 42.270 litres of liquor from three different motorcycles and from the house of Sobha Seth. 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 one



of the motorcycles. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus would create evidence against himself. It is thus submitted that the petitioner was completely unaware that Sajnish Kumar would misuse his vehicle in the manner as alleged, who was also arrested from the spot along with other accused persons.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. 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 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 Exclusive Special Excise Court No.-II, Muzaffarpur in connection with Aurai P.S. Case No.149/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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