

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80876 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- NOORSARAI District- Nalanda

Rahul Raj, aged about 34 years (M), Son of Rana Mahendra Prasad Singh,
Resident of Survi Vihar, Shekhpura, Patna, Dhelwan, P.S. - Ram Krishna
Nagar, District- Patna, Bihar - 800020

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raj Narayan Mishra, Advocate
For the Opposite Party : Mr. Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Noorsarai P.S. Case No. 118 of 2024 dated 18.03.2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 830.25 litres of illicit foreign made liquor was recovered from the bus in question.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the name of the petitioner has not been mentioned in the F.I.R. It is further submitted that



the arrested two co-accused persons have also named the petitioner. The name of the petitioner has come in the present case as the petitioner is the owner of the bus bearing Registration No. BR01PC9122. No incriminating article has been recovered from his conscious possession. He has no concern with the alleged recovered illegal liquor. It is further submitted that the petitioner has given his bus on rental basis for the commercial purposes as passenger bus. He had no knowledge regarding the illegal liquor was kept in the bus in question. He was not present at the place of occurrence. There is no compliance of Section 100 of the Cr.P.C. The other co-accused persons Umesh Kumar and Anupam Kumar have already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 35936 of 2024 under order dated 09.05.2024. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs.



20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Excise Judge, Nalanda or concern court, Nalanda in connection with Noorsarai P.S. Case No. 118 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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