

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82734 of 2024

Arising Out of PS. Case No.-294 Year-2021 Thana- RAJAOLI District- Nawada

Nandu Rajbanshi S/o- Munna Rajbanshi Resident of Village - Vijaypur
Thiyatand, P.S.- Sirdala, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Rajouli Police Station Case No. 294 of 2021, dated 15.06.2021, disclosing offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that four persons, on two motorcycles, carrying illicit liquor, were going to Nawada from Rajouli, reached at Pranchak More and on seeing the police, all the four persons started fleeing away, but the police apprehended three of them, who disclosed their names as Akhilesh Rajwanshi, Rakesh Kumar and Rahul Kumar and on search of the



motorcycle, the police recovered 50 litres of country-made liquor from each motorcycle. The arrested co-accused persons, namely, Akhilesh Rajwanshi and Rakesh Kumar, disclosed that they purchased the illicit liquor from Puna Chauhdary and were going to deliver the same to the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused in this case on the basis of disclosure of his name by the arrested co-accused persons as the person to whom they were going to deliver the illicit liquor. He further submits that the petitioner has no concern with the illicit liquor and he is also not the owner of any of the seized motorcycles. He further submits that it is also not the case of the prosecution that the arrested persons have disclosed the name of the petitioner as the person who fled away on seeing the police. He next submits that the petitioner has got no criminal antecedent.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is neither the owner nor was driving the motorcycle, from where illicit liquor has been recovered



and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. II, Nawada, in connection with Rajouli Police Station Case No. 294 of 2021, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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