

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83500 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- KESARIA District- East Champaran

Rakesh Kumar Son Of Prabhu Singh Resident Of Village- Bishunpur Tara,
P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 413, 414, 272, 273 of the I.P.C. and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 55 liters of country made liquor is said to have been recovered from a motorcycle. Two persons were apprehended on the spot who disclosed that the said motorcycle belongs to the petitioner and after verification of document it is established that the petitioner is the owner of the motorcycle. It is further submitted



that petitioner sold the motorcycle to one Anand Kumar and again Anand Kumar sold the said motorcycle to accused person Rakesh Kumar who was apprehended by the police. Petitioner was not apprehended on the spot. Petitioner has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Keshariya P.S. Case No. 59 of 2023, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C,
subject to the further conditions that

(i) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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