

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84013 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- Excise P.S. District- Kishanganj

Rakesh Kumar @ Rakesh S/o Bhupendra Prasad Saroj R/o Mohalla- Jai
Prabha Nagar, Saharsa, P.S.- Saharsa in the district of Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-12-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Special Case no.348 of 2023 (arising out of Madya Nisedh P.S. Case no.307 of 2023) registered for the offence punishable under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on a search being conducted, 900 ml. of liquor was recovered from the vehicle and five persons named in the FIR were taken into custody.

4. Learned counsel for the petitioner submits that the petitioner has been subsequently falsely implicated in the case because he happens to be registered owner of the vehicle in question. Admittedly, no incriminating article has been recovered from his possession. He has no criminal antecedent.



5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR of recovery of 900 ml. of liquor from the vehicle in question, the petitioner not having been arrested at the spot and specially the petitioner not having any antecedent under the Bihar Prohibition and Excise Act, 2016, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Special Case no.348 of 2023 (arising out of Madya Nisedh P.S. Case no.307 of 2023) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise II, Kishanganj.

(Partha Sarthy, J)

Saurabh/-

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