

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83642 of 2024

Arising Out of PS. Case No.-17 Year-2024 Thana- Narhiya District- Madhubani

Rakesh Kumar S/o Rajkumar Yadav R/o Village- Atri, P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Nand Kumar

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 Narahiya Police Station Case No. 17 of 2024, dated 23.04.2024, disclosing offence under Sections 272/273 of the Indian Penal Code and 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 saw a person coming on a motorcycle rapidly and signaled to stop him but the person fled away leaving behind the motorcycle. The police seized the motorcycle and recovered 5.94 litres of illicit Nepali liquor from the motorcycle.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the motorcycle, in question. He further submits that the cousin brother of the petitioner, namely, Sohan Kumar, had borrowed the motorcycle of the petitioner for treatment of his mother and the petitioner was no knowledge that illicit liquor was being transported on his motorcycle.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent and he has been made accused in this case merely because he happens to be the registered owner of the seized motorcycle, 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
Special Judge, Excise Act, Jhanjharpur, Madhubani, in
connection with Narahiya Police Station Case No. 17 of
2024, 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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