

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85516 of 2024

Arising Out of PS. Case No.-338 Year-2024 Thana- CHIRAIYA District- East Champaran

Rakesh Kumar @ Rakesh Mali S/O Raghunath Mali @ Ramkesh Mali @
Raghunath Malik Resident of village- Chiraiya P.S.- Chiraiya, District- East
Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Chiraiya P.S. Case No. 338 of 2024 registered for the
offences punishable under Sections 317(5) of the Bharatiya
Nyaya Sanhita, 2023 and Sections 30(a) & 41(1) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, there is recovery of total
113.1 litres of *Nepali* liquor from motorcycle.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
No incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted



that petitioner is not the owner of the vehicle. The petitioner got no concern and knowledge with the alleged recovery of liquor. Petitioner is stated to be man of clean antecedent. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted regular bail by this Court *vide* order dated 28-10-2024, passed in Cr. Misc. No. 77202 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chiraiya P.S. Case No. 338 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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